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FBI/DOJ

Powell Says Negro Vote Beat Screvane

Washington, Sept. 15 (News Bureau)—Negro resentment of City Council President Paul Screvane was the major factor in his defeat yesterday in the New York Democratic mayoral primary, Rep. Adam Clayton Powell (D-N.Y.) said today.

Powell charged that this antagonism stemmed from what he called Screvane's "role in delaying the construction of Harlem Hospital." The project was bogged down in a civil rights fight over admission of minority group members to construction unions.

Powell said Negro voters were "incensed by the implications" of Screvane's statement that Negroes and Puerto Ricans should not "push so hard to get into unions."

The Congressman noted that Controller Abraham Beame beat Screvane 2-1 in his Harlem district and said he would "spare no energies" to elect Beame mayor.

Odds favor Beame 2-2 over Rep. John Lindsay (R-N.Y.) in the November election, Powell said.

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Powell's Own Brand Of Storm

By MILT SOSIN
Special Post Correspondent

Miami, Sept. 13—An island in the sun . . . a hurricane's fury . . . a beauty queen . . . and a globe-trotting Congressman.

Those aren't the ingredients of a Hollywood epic—they're the key elements in a new international controversy.

The Congressman is Adam Clayton Powell.

The Harlem Democrat, who had spent a week on hurricane-battered North Bimini Island in the Bahamas with his secretary, a former Miss Universe contestant, flew to he mainland last night and called a press conference "to alert the people to the situation of North Bimini."

'Serious Trouble' Cited

"The poor people there are in serious, serious trouble," Powell said. "The water is contaminated. There's no fresh water. The poor people don't have food.

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The Bahamas government denied the charge. Officials here said there was no danger and no shortages. The officials said they "took offense" at Powell's statements.

Some sources here implied that Powell's concern for the welfare of North Bimini ties in with his reported financial interest in the island's real estate.

Powell flew into Miami International Airport with Corrine Huff, 24, the 1960 Miss Ohio entrant in the Miss Universe pageant. She was the first American Negro in the contest.

Rear Adm. Louis M. Thayer, commanded the Coast Guard Guard plane which Powell had commandeerd for the flight.

Miss Huff carried the luggage from the Grumman Albatross while Powell held court with the press in the airport lounge. She later hid behind pillars in an attempt to dodge photographers.

Powell said he rode out Hurricane Betsy Monday night at the home of Capt. Harcourt Brown, a member of a Bimini deep-sea fishing club, where he and Miss Huff had been "resting."

"I could have left," he explained, "but I wanted to stay with these people."

Two days later, when a Coast Guard plane landed at Bimini, Powell told the crew to "send food, water and public health services for 1,700 people—and personnel to repair the electrical system."

The British warship, HMS Relentless, cruising in the Caribbean, apparently heard a garbled version of Powell's request and radioed Nassau if it was true that 1,700 persons were in danger on Bimini.

Bahamas Resident Commissioner H. C. Walkins replied that the report was "completely false."

Walkins said today that North Bimini had ample food, water and medical supplies and that electrical service was being restored. The island, he explained, did not catch the full force of the hurricane.

Powell Assailed

Acting Premier Eugene Dupuch said that Bimini needed no aid and that the islands' government was "simply not pay-

Associated Press Wirephoto
From steps of a flooded New Orleans dwelling, a National Guardsman calls to passing Army vehicle for food for a family.

ing any attention" to Powell's statements.

The acting premier's brother, Sir Etienne Dupuch, publisher of the Nassau Tribune, said Powell should be declared persona non grata in the Bahamas.

In a signed editorial, he stated: "If Powell is an American problem, the Bahamas has no desire to share it. He should be told by the government that he is no longer welcome here."

Powell later called on the Coast Guard to fly him and Miss Huff to Miami, where they caught a connecting flight to Washington.

Adm. Thayer said he checked with his superiors in the capital who okayed the flight. He explained that it was a "not unusual" request to which the Coast Guard "usually accedes."

Thayer added that North Bimini did not appear to be badly battered by Hurricane Betsy.

Powell said the government [illegible]

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Powell Probes Problem Areas

United Press International

WASHINGTON, Sept. 1 — Chairman Adam Clayton Powell (D., N. Y.) of the House Education and Labor Committee is sending investigators to a half dozen cities he says are "problem areas" in the war on poverty.

"I think there is trouble everywhere in the land," Powell said yesterday of President Johnson's anti-poverty campaign. "We're going to start where the maximum trouble is brewing." He identified these areas as Washington, Newark, Brooklyn, Cleveland, Chicago and Los Angeles.

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FBI — NEW YORK

Powell Probing . . . Powell?

WASHINGTON: In a virtually unprecedented move, Chairman Adam Clayton Powell's House Education and Labor Committee has voted itself $100,000 to investigate the poverty program which it authorized, to the tune of $1.5 billion.

MONTGOMERY

It's like asking an investigator to investigate himself," grumbles Rep. William Ayes of Ohio, ranking Republican member of the committee.

Many Congressmen privately admit that even if Powell is launching the probe for questionable reasons, an investigation is long overdue. They point out, however, that under such circumstances it is customary for Congress to turn over the investigation either to the Government Operations Committee, or to a select committee established on a nonpartisan basis.

Powell's detractors have accused him of seeking through his anti-poverty investigations to capture control of the Negro movement in big-city power centers, where slums breed strange heroes. An aide to Powell hinted that the investigation will center on whether the poor have been given a sufficiently active role in running the poverty programs in Los Angeles, Chicago, Cleveland, Brooklyn, Newark and Washington.

The week before the nation's worst rioting erupted in a Los Angeles slum recently, Powell's committee held a public hearing there. One West Coast

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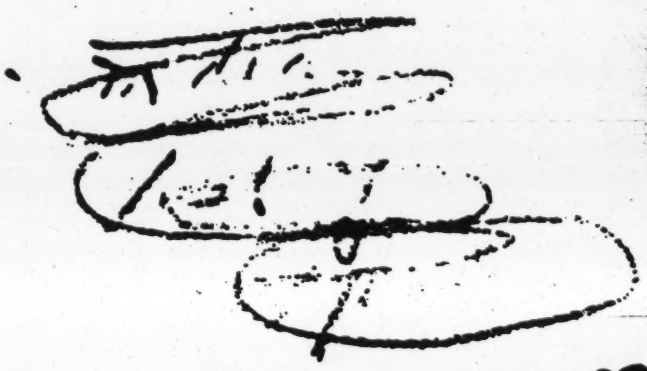

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Chairman who asked not to be quoted said he has "little doubt but that the hearing is what triggered the riots in Watts." "The tensions were already there," he conceded, "but giving those people the idea that they were being mistreated was the spark that set off the blast."

Republicans are seething because Chairman Powell, a Harlem Negro, arbitrarily named the minority as well as majority conferees last week to meet with Senate conferees on the vastly increased anti-poverty bill.

From time immemorial, ranking Republican and Democratic committee members name members of their own party to these joint conferences, but Powell is apparently a law unto himself.

Certainly it is the first time that a chairman, even before a committee bill has Presidential signature, decided to investigate a program his own committee established. Whether by doing so Powell is seeking to prevent a less friendly group from launching a probe is a moot point.

One aspect of the program to be studied is what percentage of Federal funds is being spent on staff salaries, and how much on means to help the poor. The unusually high salaries paid to anti-poverty state and regional officials have been a target for criticism from the start of the program.

Oddly enough, poverty program boss Sargent Shriver, vehemently defends the salary scale, despite the fact that he has taken great pride in the phenomenally low administrative cost of the Peace Corps, whose top-hat he also wears.

Call Powell A Meddler In Bimini

By The Associated Press

MIAMI

Rep. Adam Clayton Powell, Democ. [illegible] Bimini in the Bahamas yesterday denied charges that he interfered in the internal affairs of the Bahamas government.

"Isn't that ridiculous," said Mr. Powell at a news conference here after being flown from Bimini by a U. S. Coast Guard plane.

Bahamas officials charged that Rep. Powell requested U. S. aid for Bimini recently hit by hurricane Betsy.

"The poor people there are in serious, serious trouble. The water is contaminated. There's no fresh water. The poor people don't have food," said Mr. Powell in Miami.

He rode out hurricane Betsy in Bimini. After the storm passed the small Bahamian island, he reportedly asked the crew of a U. S. Coast Guard helicopter, which had stopped at the island, to "send food, water and public health services for 1,700 people . . . and personnel to repair the electrical system."

Acting Premier Eugene Dupuch said in a telephone interview with the Miami Herald yesterday that Bimini needed no aid. Mr. Dupuch said his government "took offense" at Powell's requests.

"We are certainly not blaming the government of the United States for them," said Mr. Dupuch. "We are simply not paying any attention to [illegible]."

He denied reports that Mr. Powell had been asked to leave the Bahamas. Mr. Powell said he went to Bimini for the Labor Day week end to rest. He was accompanied by his secretary, Corrine Huff, "Miss Ohio" in the 1960 Miss Universe contest and the first Negro to represent an American state in this segment.

"If Powell is an American problem, the Bahamas has no desire to share it," said Sir Etienne Dupuch, brother of Eugene Dupuch and publisher of the Nassau Tribune, in an editorial. "He should be told by the government that he is no longer welcome here," the publisher said.

Mr. Powell's request for U. S. aid through the Coast Guard caught the Bahamas by surprise.

Mr. C. Wilkins, resident commissioner in Bimini, said that his island had ample food, water and medical supplies and electrical service was being quickly restored.

Mr. Powell said the government of the Bahamas "seemed to be ignoring" Bimini residents, so he sent his request for aid.

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Powell Steps Out As Pastor Jan. 1

The Rev. Adam Clayton Powell has resigned—effective Jan. 1—as pastor of Abyssinian Baptist Church, his Congressional office confirmed today, but church officials are exerting heavy pressure to make him change his mind.

A large delegation of the deacons, trustees and other officials were down here yesterday," the spokesman said in Washington, "begging him not to quit on Jan. 1, as he told Sunday's congregation that he would.

"He agreed to meet with them at the church Monday, but I don't think that he has really made up his mind what he will decide then."

The aide said that Powell's decision was based principally on two factors.

Work in Congress Cited

"The most pressing one concerns the back-breaking schedule he has to follow as chairman of the House Labor and Education Committee. He feels that he can't really discharge his duties here and also preach two sermons each Sunday.

"The other factor involves the protests of a very small, but very vocal, group in the church when Rev. Powell decided to dispense with the services of the Rev. Wyatt Tee Walker, who has been serving as assistant pastor.

"Although this was not a major factor in his decision, I have the impression that the Congressmen felt he should not be involved in a hassle with any part of a congregation he has served 35 years—the last two years without pay."

Rift Over King Seen

The pro-Walker faction of the congregation contended that Powell had fired the Rev. Walker, a former vice president of the Rev. Martin Luther King's Southern Christian Leadership Conference, because the Rev. Walker took exception to a statement by Powell that Dr. King should stay out of New York on his race relations tour of Northern urban areas.

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ARCHER

Powell Resigns Again At His Harlem Church

For the second time in three years, Rep. Adam Clayton Powell has announced that he would resign as pastor of Harlem's Abyssinian Baptist Church. Mr. Powell said yesterday that his resignation was effective Jan. 1. He said he was "tired of not having weekends like most normal people."

Some of his parishioners said they thought he was merely trying to solidify his 7,000 - member congregation firmly behind him and that he would withdraw the resignation.

Mr. Powell said the pressure of work was behind his decision. He denied that a dispute with an interim assistant pastor, the Rev. Wyatt T. Walker, an ardent supporter of the Rev. Dr. Martin Luther King Jr., was the reason for his announced resignation.

The Harlem Congressman has been pastor of the church, at 132 W. 138th St., for the past 38 years.

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N.Y. Herald Trib.

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Powell Won't Quit If Church Meets Terms

100-22864

By TED POSTON

Rep. Adam Clayton Powell had second thoughts on two subjects today.

He is reconsidering his decision of 10 days ago to quit as pastor of Harlem's powerful Abyssinian Baptist Church—if certain conditions are met.

And he has decided he no longer can "stand off" from the operation of Haryou-Act, the multi-million-dollar Harlem anti-poverty program now being investigated by District Attorney Hogan and the U. S. Office of Economic Opportunity.

The subject of Haryou came up informally at a typical Powell press conference last night after he had spent an hour telling his church trustees and deacons what must be done to keep him as pastor.

The trustees will have to stop meddling in parishioners' club affairs; the church cafeteria, showing a $12,000 annual deficit, must be closed down; the trustees must cut their own salaries, averaging $4,800 a year; they must hire a trained business manager to balance the church budget—and a full-time pastoral assistant to assist pastor Powell.

Grand Jury Calls Two

The Congressman-preacher was less specific in his prescription for Haryou's fiscal ills. These were in the emergency stage today as executive director Livingston Wingate and the agency's board chairman Andrew Tyler appeared before a grand jury with their financial records in hand.

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N.Y. Post

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DATE 10/5/65

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Hogan subpenaed the books after a single complaint of nonpayment of wages, but there were reported charges of unaccounted Haryou expenditures of $800,000 and an unsecured $207,000 loan to the agency by Harlem's first Negro-controlled bank, the Freedom National Bank.

"In a way, it might be my fault," Powell said: "I stood off from the program because I wanted no one to think that I had influenced either (Wingate or Tyler) because I was chairman of the House Labor and Education Committee, which in a way, brought the minto being."

Got Both Their Jobs

Wingate, a $25,000-a-year man on Haryou's payroll, is a former Powell assistant. Tyler, who draws no Haryou salary, is an attorney. What Powell means is that he got both men their jobs with Haryou.

"But now I will have to investigate them," said Powell. "Congress has given me $10,000 to look into all the anti-poverty programs, and you can rest assured that Haryou-Act will be the first investigated."

Powell demanded a reorganization of the Haryou executive committee and assailed Dr. Arthur Logan, former Haryou chairman who now heads the overall city anti-poverty program.

"He is still holding three positions on the Haryou-Act committee," Powell said. "I will demand that he relinquish all of these posts. He has no business heading the whole city program and acting on the Haryou-Act committee at the same time."

UNITED STATES GOVERNMENT

MEMORANDUM

TO : SAC [redacted] b7c DATE: 11/8/65

FROM : SA [redacted] (#42) b7c

SUBJECT: [redacted] b7c

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ON [redacted]

October 22, 1965

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1- New York [redacted] (45)
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1- New York [redacted] (43)
1- New York (157-1542) (DEACONS FOR DEFENSE AND JUSTICE) (43)
1- New York [redacted] (44)
1- New York (100-) (ADAM CLAYTON POWELL) (45)
1- New York [redacted] (45)
1- New York [redacted] (47)
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DATE OF DECLASSIFICATION 11/8/85

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October 23, 1965

[redacted] sent a telegram to ADAM CLAYTON POWELL which was signed [redacted] The telegram urged ADAM CLAYTON POWELL to come to the Harlem community to clarify his position on Haryou-Act.

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October 24, 1965

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Powell to Boycott Antipoverty Probe

By JACK STEELE
Scripps-Howard Newspapers

WASHINGTON, Nov. 15—Chairman Adam Clayton Powell (D., N.Y.) apparently plans to boycott his House Education and Labor Committee's long-promised investigation of the antipoverty program.

An aide confirmed today that the unpredictable Powell does not plan to interrupt a vacation in the Bahamas to preside over hearings on the anti-poverty program his committee is slated to hold in 10 still-to-be-named cities before Congress reconvenes in January.

C. Sumner Stone, who conferred with Powell last week in Bimini, said Powell had designated Rep. Sam M. Gibbons (D., Fla.) to supervise the investigation. He is a relatively junior member of a special antipoverty subcommittee.

GOP Force

There was no sign that Powell's decision to sit out the hearings will upset an uneasy truce worked out by the committee's long-warring Republicans and Democrats.

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The Republicans, some admittedly with their fingers crossed, have agreed to accept a Powell pledge to conduct a "bipartisan" investigation and give them ample opportunity to look into the antipoverty program's troubles and alleged mismanagement.

Confirms Cooperation

Earlier this year, the Republicans set up their own special task force to investigate the program and even held unofficial hearings.

They did so when Powell abruptly cut short his committee's anti-poverty hearings last April after opening them with charges that many projects had become "giant fiestas of political patronage."

He backed away from such criticisms after receiving private assurances from Sargent Shriver, director of the Office of Economic Opportunity, to give the poor more voice in the War on Poverty and to continue the semi-autonomous status of Powell's pet Harlem project, known as Haryou.

The recent decision of the committee's Republicans to abandon, at least temporarily, their partisan investigation of the antipoverty program and cooperate with Powell was confirmed today by Rep. Charles Goodell (R., N.Y.).

Integrate Work

Goodell indicated that Powell had pledged that the committee's own probe of the program would be sweeping and unbiased.

He said several investigators picked by the Republicans had been named by Powell to the committee's staff and that their work was being "integrated" with that of other investigators hired by Powell and the committee's Democratic majority.

Other GOP members said they regarded the upcoming investigation as a "trial" of Powell's pledge of bipartisan cooperation in digging into the antipoverty program's failures as well as successes.

Powell Skips Another Court Date on Widow

Rep. Adam Clayton Powell and his wife, Yvette, failed to appear in Supreme Court today for another examination of his finances in connection with his long court battle with Mrs. Esther Johnson.

Raymond Rubin, attorney for Mrs. James, the 68-year-old Harlem widow who obtained a judgment against the Congressman for defamation, said he would seek a court order today calling on Powell and his wife to show cause why they should not be held in contempt.

Powell was to have appeared for examination in connection with a suit filed by Mrs. James alleging he transferred his Puerto Rican property, valued at $75,000 to relatives of his wife to avoid payment of a $46,500 defamation judgment. Late yesterday he sought a stay of todays hearing, but his motion was denied by Associate Justice Breitel of the Appellate Division.

Only about $20,000 of the sum due Mrs. James has been paid, and this was raised for Powell by public contributions.

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Scofflaw Powell, M.C.

Representative Adam Clayton Powell failed to appear in the State Supreme Court yesterday for financial examination growing out of a $46,500 judgment against him for defamation of character. Supreme Court Justice Saul S. Streit made this comment from the bench:

"To my knowledge, this man has used every trick and device in the book to flout the law and to avoid the orders of the court. He is not to be believed or trusted."

On April 4, 1963, Mrs. Esther James won an award of $211,500 in a libel suit against Mr. Powell, which was subsequently reduced on appeal to $46,500. Subsequently Mrs. James's attorney charged Mr. Powell with concealing and diverting his assets to avoid payment of the award, which is a criminal misdemeanor.

For a year Mr. Powell resorted to every imaginable legal device to avoid appearance in court. On May 8, 1964, Supreme Court Justice Thomas C. Chimera wrote that his conduct had been "so flagrantly contemptuous of the authority and dignity of this court as to promote a tragic disrespect for the judicial process as a whole."

During the election campaign of 1964 Mr. Powell remained in voluntary exile from his Harlem constituency to avoid arrest on civil and criminal contempt charges. Now Justice Streit has ordered a jury inquest into [redacted] Mr. Powell transferred Puerto Rican property [redacted] to make himself judgment-proof.

Once again we ask: How long will the House of Representatives tolerate such outrageous flouting of the law by the chairman of one of its most important committees?

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INQUEST ORDERED FOR POWELL FINE

Court Scores Congressman as Unworthy of Trust

By ROBERT E. TOMASSON

A jury inquest was ordered yesterday to fix a fine against Representative Adam Clayton Powell for having fraudulently transferred property to avoid paying a defamation judgment.

In ordering the inquest, Supreme Court Justice Saul S. Streit said of Mr. Powell: "This man is not to be believed or trusted."

The Justice struck down an answer Mr. Powell had filed to a charge that he and his wife, Yvette, be held in contempt for having transferred ownership of their home in Puerto Rico to avoid having it attached to satisfy a judgment.

The judgment, awarded two and a half years ago, stems from a defamation-of-character suit.

Mr. Powell's answer had been submitted by Henry R. Williams, his lawyer. By quashing it, the court in effect accepted the validity of the charge that the transfer of the home was fraudulent.

The jury inquest will not be concerned with whether the home was transferred or whether this was illegal. Its sole consideration will be how much money the Congressman should be assessed in punitive damages for malice and fraud in the dealing.

Mr. Powell has also relinquished his right to have a lawyer represent him before the jury because of his continued failure to appear in court for pretrial examination into his finanacial accounts. Late yesterday afternoon,

The New York Times

ORDERS POWELL FINE: State Supreme Court Justice Saul S. Streit after directing jury to set fine against Representative Adam Clayton Powell for fraud.

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Raymond Rubin, the lawyer for Mrs. Esther James—who won the original judgment after Mr. Powell had characterized her as a "bag woman," or graft collector—legally notified Mr. Williams that he would seek the inquest for Dec. 10.

Mrs. James is seeking $250,000 in damages from the Congressman for the transfer of his home. Her claim, which the court has left standing, is that he maliciously made himself judgment-proof after he had been sued here for defaming her.

After Justice Streit read the legal papers in the case, he noted that he had sat in on at least three hearings pertaining to Mrs. James's effort to collect the original judgment.

"This man," Justice Streit said, "has used every trick and device in the book to flout the orders of this court."

The suit involving the transfer of the house has become the paramount element in the case, which ranks as one of the most tortuous defamation cases ever tried in this country. The litigation has been through eight courts, with more than 70 different judges, from the Criminal Court here to the United States Supreme Court, having considered various aspects.

Mrs. James has thus far succeeded in collecting about $19,000 of the judgment from two Harlem bank accounts, in which funds had been deposited by friends of Mr. Powell to help him pay off the debt.

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3 Poverty Probers Fired In Mysterious Shakeup

By JACK STEELE
Scripps-Howard Newspapers

WASHINGTON, Dec. 3 — The House Education and Labor Committee has fired three of its top investigators in a mysterious shakeup of its flagging investigation of the anti-poverty program.

The three investigators, described as "able" and "promising" young lawyers when they were hired several months ago, received notices yesterday which gave no reason for their dismissals.

Other 'Experts'

They were told they were being left out as part of "staff reduction"—without any explanation of why the committee's staff should be cut

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back in the midst of a supposedly sweeping investigation.

But C. Sumner Stone, assistant to committee Chairman Adam Clayton Powell (D., N. Y.), said today the three investigators had been fired along with another staff member—even though they had done what he called "great jobs"—to make way for four other "experts" already picked for the staff.

Stone said he could not name these new "experts" immediately, but described them as "specialists" needed for a "new phase" of the investigation.

Other committee sources reported that the fired investigators had written several memos urging that the inquiry be stepped up.

Knowledge Denied

An aide to Rep. Sam Gibbons (D., Fla.), who has been designated by Powell to run the probe, said Gibbons knew nothing about the dismissals and had not ordered them. Gibbons is currently looking into the poverty program in San Francisco.

Rep. John Brademas (Ind.), the committee's ranking Democrat, also said he knew nothing about the dismissals or a staff shakeup.

Powell, who has been vacationing in the Bahamas since Congress adjourned, is due in Washington next week — presumably to take a hand in the faltering investigation.

The shakeup came only three days after the New York World-Telegram and other Scripps-Howard newspapers reported that committee Democrats were dragging their feet on the anti-poverty investigation and had decided to delay hearings—which Powell promised would start during the congressional recess—at least until late January.

'Locked in a Safe'

Gibbons and Stone quickly denied this.

And Stone said today the investigation already has uncovered evidence "so hot I have to keep it locked up in a safe."

The three fired investigators, all hired by the Democratic majority, are:

¶ Garrett Byrne, a former Justice Department attorney whose family has been active in politics in Boston and who reportedly was recommended for his committee post by Speaker John W. McCormack (Mass.).

¶ I. T. (Tony) Creswell Jr., a Negro lawyer from Nashville, who worked in the solicitors office of the Labor Department before joining the committee staff. He wa sponsored by Sen. Ross Bass (D., Tenn.).

¶ Warren Wilson whose home in Everett, aWsh., is in the district of Rep. Lloyd Meeds, a Democratic member of the committee.

The fourth staff member dismissed is James Robinson, a clerk assigned to the anti-poverty investigation.

All flinshed their work with the committee last night, although their pay will continue through Dec. 15. None could be reached for comment.

Look for Jobs

Some yesterday visited the offices of other Congressmen to apply for other jobs.

Stone said the dismissals and the hiring of new "experts" were "staff decisions" made by Leon Abramson, the committee's labor-management counsel who was named last fall by Powell as staff director for the anti-poverty inquiry.

Abramson refused to discuss the shakeup, noting: "I am not allowed to issue any press releases."

Members of congressional coimmittees customarily pass on staff hirings and firings. However, Powell in the past has shifted employees of the Education Committee without consulting other members.

Powell: Heads May Roll

By FLORA LEWIS
Journal-American Special Writer

Rep. Adam Clayton Powell stepped into the Haryou-Act controversy again yesterday—using some strong words to push Livingston Wingate, director of the Harlem youth program, offstage while Federal investigators go through the jumbled accounts.

"Some heads may have to roll," Rep. Powell said.

Mr. Powell held a rapid-fire series of meetings in the office of his Abyssinia Baptist Church here after his noonday sermon yesterday.

From the pulpit, he told the loudly approving congregation that "Haryou is going to be straightened out so money will go to the people, to the people I said. I don't care whose head rolls."

Mr. Wingate has so far resisted efforts to send him on a paid leave-of-absence on the grounds that it could be taken as a concession of failure, or worse, in handling the youth program's money.

The leverage available to push him, Rep. Powell said, was to continue withholding Federal funds and Mr. Powell spoke as though he meant to put his weight on that lever if necessary.

The idea for moving Mr. Wingate temporarily out of the picture came from Peace Corps Director Sargent Shriver, director of the Office of Economic Opportunity, Mr. Powell said.

Mr. Powell vehemently denied charges which have come from Haryou's former direc-

tor, Kenneth Clark, that the congressman himself was involved in the tangle.

Mr. Clark resigned after a clash with Mr. Powell.

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Powell on Haryou's Cleanup—'Some Heads May Have to Roll'

By FLORA LEWIS
Journal-American Special Writer

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RESISTING EFFORTS

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The idea for moving Mr. Wingate temporarily out of the picture came from Peace Corps Director Sargent Shriver, director of the Office of Economic Opportunity, Mr. Powell said.

Mr. Shriver is due in New York tomorrow and is expected to throw his own weight into the effort to "clear up the mess" which is the way most people here describe Haryou's situation.

Mr. Powell vehemently denied charges which have come from Haryou's former director, Kenneth Clark, that the congressman himself was involved in the tangle.

Mr. Clark resigned after a clash with Mr. Powell.

Nobody denies that Haryou accounts have been hopelessly muddled and that money has disappeared. Whether it was due to inefficiency, corruption or a mixture of both has still to be proven.

The program retains strong support in Harlem, however.

Even astute Harlem businessmen, who are appalled at the bookkeeping, insist that Haryou deserves much of the credit for the fact that there were no New York riots last Summer.

It is conceded by many that Haryou jobs—involving more or less work—placated the militant enough to keep them from stirring up violence.

To the question of whether these groups considered they were getting easy high-money jobs, them quiet or real jobs,

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Courts Still Powell-less in Suit

By GERARD PATTERSON
Of the World-Telegram Staff

Almost three years after Rep. Clayton Powell was ordered to pay Mrs. Esther James $46,500 for libelously referring to her as a "bag woman" for the police, the 69-year-old widow still is waiting for most of her money.

Through her attorney, Raymond Rubin, she has exerted every conceivable legal pressure to get Powell to pay up, but even getting the Harlem congressman into a courtroom has been next to impossible.

I'd estimate that I have been in courtrooms more than 100 times in connection with this matter and can only recall two occasions when Adam Clayton Powell has shown up," Rubin asserts.

To get the elusive lawmaker to court, Rubin has resorted to nailing subpoenaes on his door; has had a man pass himself off as a television crewman to serve him at a studio: has advocated that he be kept in jail between congressional sessions.

Still, the court clerk's monotonous calls for "Adam Clayton Powell Jr." have gone unanswered time and again when the dates have come up for his appearance.

'Tragic Disrespect'

Judges scold, ridicule and threaten the defendant in absentia, without any apparent effect or response.

Powell's conduct was "so flagrantly contemptuous of the

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authority and dignity of this court as to promote a tragic disrespect for the judicial proces as a whole," Supreme Court Justice Thomas C. Chimera declared in May, 1964, before ordering Powell's arrest for contempt of court.

A year and a half later the infuriated judge's order has not been carried out.

How has he gotten away with his incredible record of courtroom hookie-playing?

In most instances he has been shielded by congressional immunity—the Constitutional protection given congressmen from arrest while Congress is in session.

He has taken advantage of laws tthat prohibit the serving of summonses on Sunday. He hos obtained innumerable adjournments and, when backed against the wall has entered into out-of-court agreements which brought him postponements.

Absentee Antics

On one occasion he said he was too busy in Washington to appear in court. What was he doing? Working on the civil rights bill, he said.

Eleven marshals once surrounded his Harlem polling place to arrest him on a contempt order as he arirved to vote. What did Powell do? He filed an absentee ballot.

For all his courtroom truancy, Adam Clayton Powell has been punished only once, in 1964 when he was ordered to pay Mrs. James the whopping sum of $150 for court costs related to a stand-up.

To date Mrs. James has received only $19,000 of the money owed her and that was from two special funds set up by Powell supporters to help pay his debt.

There has been nothing sporadic or inconsistent about Powell's courtroom appearances. At the original libel trial, he failed to show up for a single session and was found guilty without ever being in the courtroom. At one point, the trial judge was ready to send the case to the jury without giving the defense an opportunity to present a case, if Powell didn't appear.

$1-Million Suit

His absences since have usually been from sessions at which his assets were to be examined and a determination made of his ability to pay Mrs James.

More recently he has made himself scarce in two related actions instituted by Mrs. James, one a $1 million suit for punitive damages based on Powell's alleged transfer of assets to his wife and relatives in Puerto Rico to avoid payment of the original judgment.

When he failed to show up in Supreme Court last week in connection with this matter it was Justice Saul S. Streit's turn to blow up.

He attacked Powell as a man "not to be believed or trusted" and said the congressman "has used every trick and device in the book to flout the law and to avoid the orders of the court."

'World Waits'

Powell, however, is in somewhat of a bind as far as Justice Streit's courtroom is concerned. If Powell had shown up, with Congress not in session, it was pointed out that he might have been arrested on Justice Chimera's 1964 contempt order.

Asking Justice Streit to join in and cite Powell for contempt, attorney Rubin declared: "The eyes of the world are waiting so see what will happen to a man who constantly flouts and disregards the orders of this court. Is he to be given a mere 'slap on the wrist' or treated in a way to show him that he is not above the law and must comply with the orders of this court?"

As the matter drags on and on, it would appear that Mrs. James was not merely using a figure of speech when she vowed in 1963 "if I have to live to be 99, I'll collect that money from Powell."

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Powell's Legal Troubles —Congress Looks Away

Washington, Dec. 15 (AP)—Rep. Adam Clayton Powell's colleagues say his difficulties with New York's courts over a defamation suit aren't likely to affect his status as chairman of the House Education and Labor Committee.

Powell lost another round in the litigation when Acting State Supreme Court Justice Maurice Wahl granted a $575,000 judgment against him involving transfer of Puerto Rican property to avoid payment of a 1963 defamation suit award.

The decision Tuesday was in favor of Mrs. Esther James, 57, who based her defamation suit on the claim that Powell had called her a "bag woman."

'No Connection'

As expected, House leaders and colleagues of Powell generally shied away from public comment. They took the position that it was a personal matter between Powell and a constituent.

Rep. Ayres of Ohio, top Republican on Powell's committee, summed up the general reaction this way:

"I can see no connection between this and his committee or Congressional work. It is a civil matter between Mr. Powell and an individual."

Powell himself has refused to comment.

Traditionally, members of Congress don't comment, at least for publication, on what they consider the personal problems of their colleagues. It's part of an unwritten law of "the club."

There have been several occasions in recent years when House members under indictment on criminal charges have been allowed to retain their seats. They involved former Reps. Cudley (D-Mass.), Thomas (R-N.J.), May (D-Ky.), Lane (D-Mass.), Boykin (D-Ala.) and Johnson (D-Md.).

No efforts were made to censure or expel any of them, even after convictions in several instances.

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Powell Is Parboiled by Judge As Trickster Who Flouts Law

Harlem Congressman Adam Clayton Powell Jr. was denounced by a judge yesterday for using "every trick and device in the book to flout the law" in the defamation action against him.

Powell "is not to be believed or trusted" declared Supreme Court Justice Saul S. Streit. However, Streit reserved decision on a motion to punish Powell for contempt.

Powell and his wife, Yvette, had been asked to appear to explain why they should not be punished for failing to show up at an examination into their finances last week.

A $46,500 Judgment

Powell's lawyer, Henry Williams, said he had made three offers to pay a $46,500 judgment obtained by Mrs. Esther James. Powell was found guilty of defamation after calling her a "bag woman" for Harlem cops on a TV program.

However, Streit ruled favorably on a petition by Mrs. James' attorney, Raymond Rubin, for a jury inquest on her suit seeking $250,000 on charges that the Powells had transferred $85,000 worth of Puerto Rican properties to make him judgment-proof.

3d Lawyer in Case

William told Streit he had the power to give Mrs. James the $46,500 provided she withdrew two other suits growing out of the original defamation award. But Williams added: "I don't have the money now."

Noting that Williams was the

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N.Y. Daily News

EDITION Final

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Re: Adam Clayton Powell

LIST REFS.

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(NEWS foto by Tom Middleton)

Mrs. Esther James seems to be looking for her Congressman outside Supreme Court with attorney Raymond Rubin.

third lawyer in the case to appear before him, Streit said, "It is impossible to get Mr. Powell here. Had he come in at that time (18 months ago) this case would have been disposed of for a smaller sum.

"To my knowledge this man used every trick in the book to flout the law and to avoid the orders of the court. He is not to be believed or trusted. No man in this country is above the law—not even Adam Clayton Powell," added the court.

Streit said that, because of a technicality, he doubted he had the right to punish Mrs. Powell for contempt.

Powell Marches On

The Rev. Congressman Adam Clayton Powell says the war on poverty has failed to provide jobs or much other help for the poor.

How does he know?

Since Congress adjourned, and before, he has been vacationing on the golden sands of the Bahamas and points south.

The Office of Economic Opportunity (which runs the war on poverty) is riddled with red tape and inefficiency, he continues. It is a "half-hearted skirmish which makes the poor even poorer." Many of its projects are shot through with dishonesty and stealing, he says.

So give it, he proposes, three times as much money next year.

The newspapers and the Republicans, he adds, are taking "pot shots" at the OEC.

How, precisely, would he define his remarks?

Turning to the situation in Washington

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FBI — NEW [redacted]

he says the anti-poverty program there doesn't have enough Negroes in high places.

To which the executive director—a Negro—replies that Mr. Powell doesn't know what he's talking about. Fifty-two percent of the staff in the above $14,000-a-year brackets is Negro and, anyhow, he's selecting appointees who are qualified rather than merely Negro.

Mr. Powell, a Negro by profession, is hereditary pastor of Harlem's Abyssinian Baptist Church. By operation of the creaking seniority system he is chairman of the powerful House Education and Labor Committee. His synically irresponsible operations cast no lustre on any of these fields of operation.

He is the sort of office holder who tosses overalls in the chowder of Democratic self-government—the kind of public servant who gives politicians a bad name.

Adam Powell: Ironical Twist At Peak of Political Power

By Dom Bonafede
Of The Herald Tribune Staff

WASHINGTON.

Shortly after his first term in Congress in the mid-1940's Adam Clayton Powell declared, "In these days of challenge, silence is no longer golden."

It is a rule he has assiduously followed. The mercurial Harlem Congressman, who is composed of unequal parts of preacher, politician and civil-rights agitator, has spoken out from the soap box, the pulpit and chamber of the House of Representatives. He once referred to President Truman as the "little man in the White House."

Only recently he discovered that the rule he coined back in the forties may be invalid.

Ironically, the discovery comes when he is at the peak of his political power.

As chairman of the House Education and Labor Committee, he controls a parliamentary fiefdom. He exercises almost autocratic power over the drafting of vital social legislation and the appropriation of billions of dollars.

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REFORM

During his fledgling years in Congress, his detractors criticised him for doing more talking than legislating. Since then, he has come a long way as evidenced by the prominent role he played in the enactment of the Great Society's anti-poverty and aid-to-higher-education bills.

He also seems to have reformed in some respects. The possessor of a notorious absentee record, he was dutifully present during most of the last session. And during the current recess, while many of his colleagues were junketing around the world, he stayed at home.

Now, in a strange twist of fate, a careless remark he made during a March 6, 1960, television interview threatens to corrode the political foundation he has established in Congress. In that now-famous utterance, he charged that Mrs. Esther James, a Harlem widow, was "a bag woman for the Police Department."

On that occasion, silence would indeed have been golden. A defamation suit filed by Mrs. James has traveled a labyrinthine path through the courts, resulting in a series of decisions, the majority against Rep. Powell.

Finally, on Dec. 1, State Supreme Court Justice Saul Streit ordered a jury inquest to fix a fine against the Harlem Congressman for having fraudulently transferred property to avoid paying a $33,000 judgment. In ordering the inquest, Judge Streit said of Rep. Powell: "This man is not to be believed or trusted."

'A MACKEREL'

Then, on Dec. 14, acting State Supreme Court Justice Maurice Wahl ordered him to pay $575,000 in damages to the defamed widow.

"He's like a mackerel. He shines but smells to high heaven," the judge said, paraphrasing a remark made by Sen. John Randolph in a debate with Henry Clay.

What Sen. Randolph actually said was, "So brilliant, yet so corrupt, which like a rotten mackerel by moonlight, shines and stinks."

In the past, denunciations have failed to rattle the flamboyant Congressman.

Last May, a hue and cry erupted in the Congress and the press over the disclosure

Rep. Powell's wife was paid $18,967 a year for answering letters from Spanish-speaking constituents. She wrote her answers from Villa Reposa, the Powells' seaside home in Puerto Rico.

The Clerk of the House was directed to look into the matter to determine whether the House rule had been broken. Nothing ever came of it.

There is little likelihood that the half-million-dollar judgment against Rep. Powell will cause him trouble among his Harlem constituents or affect his status as committee chairman. Yet, it almost certainly will have an impact on his political career.

A CHANGE

For one thing, it has rendered him almost speechless. When informed of the decision, the usually voluble Rep. Powell could only respond, "My God!"

He has since declined to make any comment whatsoever on the court ruling.

"Criticism is one thing, but to have a half-million-dollar suit slapped against you is another," declared C. Sumner Stone, the Congressman's able assistant.

Mr. Stone said he doubted that the judges' denunciations would hurt Rep. Powell politically, but because of alleged mistreatment by the newspapers the Congressman intends to change his public-relations tactics.

The Congressman's aid maintained, "When a judge criticizes him, it is on page one, but when he holds a press conference and says something worthwhile it is on page eight, nine or ten or on the back pages.

We were toying with the idea of no longer talking with the newspapers and just going on television. We may do it yet."

According to Mr. Stone, criticism of Rep. Powell by the two judges has created in Harlem "a bad climate and atmosphere. . . . There is a lot of tension, people are upset."

Mr. Stone reported that he has received from 70 to 80 calls daily from angry Harlem constituents who feel their Congressman has been treated unjudiciously.

He added that nothing is likely to alter the public's image of Rep. Powell or change the newspapers' attitude toward him, "but it is my job to merchandise or orchestrate that image the way I see it or the chairman sees it."

ANOTHER VIEW

A Republican member of Rep. Powell's committee contended that his influence would be reduced "in many small ways."

He said, "After all, when a judge says a guy can't be trusted, it is bound to hurt him. Adam never carried much prestige in the House; now he will have less. Oh, there won't be any move made to unseat him. But he is going to have a harder time getting money for his committee. And the committee members themselves are going to demand more independence. He is going to have to loosen disciplinary ties with his subcommittee chairmen."

He said that while Rep. Powell was generally polite in his dealings with committee members, he was often arbitrary in handling legislative business.

"He shot out the higher education bill in 30 minutes, and the anti-poverty bill in one morning," he said. "Now, we'll see how he acts."

New York, N.Y.

January 10, 1966

RE: ADAM CLAYTON POWELL

ADAM CLAYTON POWELL is a Congressman from the 18th Congressional District in New York City. He is Chairman of the House of Representatives Education and Labor Committee. He is also a minister in the Abyssinian Baptist Church, 138 West 138th St., New York City.

On April 4, 1963 Mrs. Esther James won an award of $211,500 in a libel suit against MR. POWELL for defamation of character. This award was subsequently reduced on appeal to $46,500.

No investigation conducted by the New York Office of the FBI pertinent to this inquiry. This is the result of a check of the New York FBI Office files only and is not to be considered as a clearance.

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REQUEST FOR INFORMATION FROM F.B.I. SPECIAL

Name (Include alias)	
REP. ADAM C. POWELL	12-30-65
Address: Abbysinia Church, NY	Age or DOB
Relationship: Reference	Place of Birth

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Submitted By: [redacted]

AGENCY: New York Region, U.S. Civil Service Commission

FOR USE BY F.B.I.

RESULTS OF SEARCH:

CSC furnished copy of attached memo.

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Feb., 1963 21-124 Rev.

Powell Asks Bar On School Bias

By TED KNAP
Of the World-Telegram Staff

WASHINGTON, Jan. 5 — Chairman Adam Clayton Powell, D-N. Y., of the House education and labor committee will introduce legislation in the next session of Congress to outlaw de facto segregation in public schools, his press secretary said today.

Powell considers it top priority legislation for 1966, according to C. Sumner Stone.

Powell's office has reports indicating widespread segregation in public schools in New York, Chicago, Cleveland, Boston, Philadelphia and other Northern cities, Stone said.

De facto segregation in one of these cities, Chicago, is being investigated today by federal officials.

While schools in Northern cities are integrated by law, some are segregated in fact.

Sometimes the segregation is a result of the long-time racial compositionof the neighborood the school serves.

Sometimes it results from racial change of a neighborhood, with white parents leaving or sending their children to private school.

Sometimes it is promoted by school boards that fix boundary lines, according to Powell's office.

"This de facto segregation in the North is as bad as the de jure segregation in the South," Stone said.

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negotiations by telephone.

Seeks Harlem Benefits

Mr. Powell warned that he would request special consideration for the residents of his Harlem district from the White House "unless the strike is ended in the next couple of days."

He said he would ask "Federal assistance from the President to help Harlemites get to their jobs and to provide whatever additional assistance in the form of loans to small business in Harlem and extended unemployment benefits as are necessary."

Mr. Powell said that the median family income in his district, $3,900 a year, was the lowest of any district in New York State while the unemployment rate there was twice as high as elsewhere in New York City.

The senior Republican on the Powell committee said that the transit strike had jeopardized the prospect that Congress would approve any of the legislation sought by labor unions this year.

Representative William H. Ayres of Ohio declared that "the New York transit union leaders have provided all America with an almost unparalleled example of irresponsible union power to cripple our [illegible] industries."

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'Fair Play' Ruling

While no specific invitation was issued to Powell, the state probers, according to current chairman John W. Ryan Jr., always offer a person cited derogatorily by a witness the chance to appear on his own behalf.

In the case of Powell, the commission hoped he would take advantage of this "fair play" policy and appear before it.

Robinson told the commissioners that he was unable to recall the name of the man on the Housing and Redevelopment Board who told him he had struck out in his bid to sponsor Esplanade Gardens, a project slated for Lenox Ave. between 145th and 149th Sts.

Robinson swore that he had applied for sponsorship of the huge project—to consist of more than 9,000 rooms—on Sept. 1, 1960.

The firm of Balaban-Gordon filed its application 21 days later, and within a matter of days received a letter from the board that its application had received preliminary approval.

Hearings Adjourned

The hearings were adjourned until Tuesday. When they resume, the commission intends to call Walter S. Fried, who was a member of the HRB at the time Robinson was rejected.

Reporters today asked Fried, still a member of the board, if he was the "authority" who told Robinson he could not get Esplinade project.

"I prefer not to make any comment," said Fried. He added, "The SIC specifically has asked me not to discuss this matter with anyone."

Robinson, when pressed as to whether Fried was the official who gave him the bad news, replied, "I couldn't in all honesty say that he was."

Powell's Anti-Poverty Probe —A $200,000 Boondoggle?

By Dom Bonafede
Of The Herald Tribune Staff

WASHINGTON.

Adam Clayton Powell's anti-poverty investigation has produced a notable lack of riches.

After a four months investigation, including trips to major U. S. urban centers, the Harlem Congressman's special study committee has failed to publicly disclose anything, pro or con, concerning the activities of the Office of Economic Opportunity.

And inasmuch as Mr. Powell, chairman of the House Education and Labor Committee, is hardly known for reticence his silence on the matter is baffling.

Republican committee members, particularly Reps. Charles Goodell, of New York, and Albert Quie, of Minnesota, are less inhibited. They have branded the investigation a fiasco, and further maintain that by his mute performance the chairman is attempting to cover up a fruitless inquiry.

In rebuttal, Mr. Powell with his customary elan contends that the charge is motivated by politics.

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SUSPICION

Nonetheless, within the last several weeks committee developments have cast a cloud of suspicion over the investigation, which suggests that a $200,000 boondoggle has been perpetrated.

For instance, it was recently revealed that Mr. Powell quietly and unofficially called off the investigation without informing the minority members of his committee.

Charges of rank partisanship reared its head during the investigation. Republican committee members on at least one occasion were literally locked out of a meeting held by the Democratic majority.

Four staff members were suddenly dismissed by Chairman Powell last December after they voiced complaints

over what they considered to be a mere surface investigation of poverty conditions. The fired staffers reported the inquiry was mostly taken up with interviews of prejudiced officials and the reading of local newspapers about each area's anti-poverty program.

Few of the staff members assigned to the majority were professional investigators. The number of personnel varied throughout the inquiry. But for the most part, about 13 investigators worked with the majority, compared to three with the GOP minority.

The effectiveness of the investigators seemed to leave something to be desired.

SCANDAL

A Congressional task force named by Rep. Powell and headed by Rep. Sam Gibbons, D., Fla., visited Boston late last year without uncovering much wrong with the city's anti-poverty drive. A week later a scandal erupted in connection with the program. Mental patients were found on aid payrolls, charges of

[redacted] were made, people were hired under the neighborhood youth corps who did not qualify as poor.

In the early days of the investigation, staff members split up in teams of two and visited the target cities. Each team was equipped with a set of guidelines for asking questions. The usual length of time in each city was one or two days.

"They completed their assignments in about three days," commented Rep. Goodell. "Since then they have done very little of anything."

After Rep. Powell ordered the field investigators to return to Washington about two weeks ago a mystery developed over a "missing investigator." According to some committee members, the investigator, Mel La Place, received a second order instructing him to go to Los Angeles. While there Mr. La Place held a press conference on the committee's activities.

Later, in a letter to Rep. Quie, C. Sumner Stone, chief assistant to Mr. Powell, stated that the press conference was unauthorized. For almost two weeks, Mr. La Place was reported as being "missing" by the committee. He has since shown up but there is some question concerning his continued relationship with the committee.

DEAD END?

Reports also indicate bickering among the Democratic committee members. Some majority members favor a go-slow policy in the investigation, rather than provide political ammunition for the opposition Republicans.

Another issue involves the extent of participation by the poor in policy-making activities of the program.

Mr. Powell is not saying whether he expects to resume the inquiry. It is known, however, that he has not asked for additional funds to supplement the more than $200,000 already appropriated for the investigation.

In an apparent effort to pick up the slack left by Rep. Powell's committee, the House Appropriations Committee has furnished a separate bipartisan investigation with a professional staff of lawyers, former FBI agents and accountants.

6-708 (Rev. 12-14-88)

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Powell Ducks Probe

Rep. Adam Clayton Powell today rejected an invitation to testify before the State Investigation Commission hearing on alleged irregularities in the state's middle-income housing program.

The Congressman has been repeatedly named by witnesses in the hearings as having used his influence to obtain sponsorships of lucrative middle-income housing projects in Harlem for a corporation in which he and Democratic County Chairman J. Raymond Jones have interests.

Rep. Powell's press secretary, C. Sumner Stone, said "there would be no reason (for Rep. Powell) to testify" in the hearings which are scheduled to resume next Tuesday at 270 Broadway.

Former baseball star Jackie Robinson testified yesterday that his application to sponsor the $40 million Esplanade Gardens project in Harlem was turned down on grounds the site was reserved "for Powell and Jones."

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FBI—NEW YORK

A Republican Hits Powell on Poverty Probe

Rep. Adam Clayton Powell has called off the investigation of the anti-poverty program he launched with great publicity last fall, a member of his special House subcommittee said Friday.

Rep. Goodell (R-N.Y.) called the inquiry so far "a farce" and said Powell two weeks ago ordered home three investigators who were in Los Angeles. He quoted Powell as saying the investigation was to take "a new approach."

Cancellation of the Congressional hearings were first reported in the New York Post by CDN on Jan. 26. One of the reasons given was to prevent Republicans from getting campaign ammunition against the program.

The Post story said the decision to call off the inquiry was the result of a series of top-level meetings, including one Jan. 13 in President Johnson's White House office.

Powell was reported last month to have demanded that anti-poverty legislation be rewritten to emphasize job training and employment, with the elimination of all cultural and social programs.

A major overhaul of the entire program now is under way in the Administration.

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Powell Says His Study Clears Antipoverty Program of Scandal

By ALFRED FRIENDLY Jr.

After a six-month investigation of the Federal antipoverty program, itself only 18 months old, Representative Adam Clayton Powell reported yesterday that the effort "has been going very well, all things considered."

In an interview televised in New York and a speech made in Baltimore, the Harlem Democrat defended the program against criticism that it was wasteful and badly managed.

"The Office of Economic Opportunity comes out smelling not of scandals but of the sweet smell of success," he said in Baltimore.

"The scandals are not in a misplaced penny here or an unrecorded dollar there. The scandals in the war on poverty in reality are the scandals of America: 182 counties where the median family income is below $750 a year; the nine million families who earn less than $3,000 a year . . . Those are the scandals that should scorch our souls."

Mr. Powell is chairman of the House Education and Labor Committee and its subcommittee on the antipoverty program. In making public some of the findings of a subcommittee report, not scheduled to be released until March 8, the Congressman also indicated he would seek to redirect the emphasis of the antipoverty program toward the production of more jobs for the poor.

Mr. Fino said that Mr. Jones produced "plays that advocated Negro revolution and murder of white people and portrayed the whites as homosexuals and as degenerates."

"If this is the way that the taxpayer's money is going to be spent," Mr. Fino said, "then I'm opposed to it—violently opposed."

In his defense, Mr. Powell said that investigators of his subcommittee had looked into 78 programs in 22 cities and the District of Columbia.

"Out of thousands of antipoverty projects in America, there has been a remarkable absence of outright dishonesty and corruption," he reported.

"There have been isolated—and let me emphasize that word—cases of mismanagement, poor administration and bad judgment."

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FBI—NEW YORK

Training to Be Stressed

In writing new legislation for the program, after holding public hearings next week on his investigation, Mr. Powell said he would seek to put "primary emphasis [on] training, retraining, jobs, putting the poverty money in the hands of the poverty-stricken people."

"That's where it should have been in the beginning, and that's where we hope it will go from now on," he added.

Critics of the program, among them some Democratic lawmakers, charged recently that antipoverty money was being diverted to cutural frills, sociological research projects and political protest drives. Not enough effort, these critics say, has been made to find jobs for the unemployed or to retrain the unemployable.

The Congressman appeared on the WCBS-TV "Legislative Hearing, Washington Edition" program yesterday with Republican Representative Paul A. Fino of the Bronx. Mr. Fino cited what he called examples of "waste and mismanagement, abuses" in the antipoverty program "all over the country."

He singled out for criticism an award of $44,000 to the Black Arts Repertory Theater School, directed by LeRoi Jones, playwright. The money was made available to the school last summer by Haryou-Act to put on "cultural field demonstrations."

FD-350 (Rev. 7-10-62)

(Mount Clipping in Space Below)

Today in National Affairs

Design for Negroes' Accession to Power, As Propounded, Pushed by Rep. Powell

By David Lawrence

WASHINGTON.

Racial consciousness has been condemned in recent years as not in keeping with "the spirit of the times," but, strangely enough, the concept now has been extolled by a Negro leader — Rep. Adam Clayton Powell of New York, who is chairman of the all-important House Committee on Education and Labor. Mr. Powell has just issued to a Negro gathering what he calls a "black position paper," with 19 points which he says represent a summation of "my life's philosophy." Here are the points:

"1. We must give our children a sense of pride in being black. The glory of our past and the dignity of our present must lead the way to the power of our future.

"2. We must insist that black organizations be led by black leadership. Italians lead Italian organizations. Irish lead Irish organizations. This kind of honest pluralism is a happy fact of American life.

"3. The black masses must accept the responsibility of financing their own organizations.

"4. The black masses must demand and refuse to accept nothing less than that proportionate share of political jobs and appointments which are equal to their proportion of the population and voting electorate.

"5. Black people must support and push black candidates for political office first —occasionally taking the risk of even electing an 'Uncle Tom.' But after you elect him, unfrock him and replace him.

"6. Black people must seek audacious power. . . .

"7. Black leadership in the North and South must differentiate between and work within the two-pronged thrust of the black revolution: eco-

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FBI — NEW YORK

...mic self-sufficiency and political power. . . . As chairman of the House Committee on Education and Labor, I control all labor and education legislation. . . . This is legislative power. This is political power. Above all, this is audacious power.

"8. Black masses must produce and contribute to the economy of the country in the proportionate strength of their population. . . .

"9. Black communities in this country—whether it is New York's Harlem, Chicago's South and West Sides, or Philadelphia's North Side—must neither tolerate nor accept outside leadership—black or white. . . .

"10. The black masses should only follow those leaders who can sit at the bargaining table with the white power structure as equals and negotiate for a share of the loaf of bread, not beg for some of its crumbs.

"11. What is left of this black leadership . . . must come back to the Negroes who made them in the first place or be purged by the black masses. . . .

"12. Demonstrations and all continuing protest activity must be non-violent...

"13. No black person over 21 must be permitted to participate in a demonstration, walk a picket line or be part of any civil rights or community activity unless he or she is a registered voter.

"14. Black people must continue to defy the laws of man when such laws conflict with the law of God....

"15. Black people must discover a new and creative total involvement with ourselves. We must turn our energies inwardly toward our homes, our churches, our families, our children, our colleges, our neighborhoods, our businesses and our communities... This is no time for cotillions and sips and to run around sipping martinis in the homes of suburban white families when black families are starving in the inner city....

"16. The war on poverty must become that more productive crusade for jobs....

"17. The battle against segregation in America's public school systems must become a national effort, instead of the present regional skirmish that now exists. Title VI of the 1964 Civil Rights Act outlaws de jure racial segregation. It has no meaning or application to the hard-core pockets of de facto racial segregation in Northern schools which is just as malicious, just as destructive of the human spirit.

"18. We must put pressure on our predominantly black colleges to shift their emphasis from teacher education to nuclear physics and aerodynamics. . . :

"19. Every black man who considers himself an American must become a registered voter."

Mr. Powell further emphasizes racial consciousness when he says:

"Let us take pride in our black skins in this white man's civilization."

Now, it may well be wondered how long any member of Congress, particularly the chairman of a committee, would survive public criticism if we issued the above 19 points, but substituted the word "white" for "black." He would be castigated from coast to coast as a "racist."

But chairman Powell does have a point when he stresses pride of color. He is not the first to do so. This correspondent recalls a speech made by the late W. E. B. DuBois in 1918 to newspapermen traveling on a ship to the Paris peace conference. The Negro writer decried any feeling of inferiority and stressed in eloquent words the importance of pride of color. He said the real trouble with the white man is that, unfortunately, he is "palefaced" and doesn't have any color.

FD-350 (Rev. 7-16-62)

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Powell Fighting Contempt Citation

Rep. Adam Clayton Powell is seeking to recall a contempt citation against him for failure to appear for examination in a $575,000 judgment against him.

An order issued by Supreme Court Justice George Carney, yesterday called on Mrs. Esther James, the Harlem widow who holds the judgment against Powell, to show cause why the contempt findings should not be recalled.

Mrs. James won a jury trail three years ago for damages after Powell had referred to her publicly as a "bag woman" for corrupt police.

Hearing on Powell's plea has been set for April 25.

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FD-340 (Rev. 7-16-62)

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Powell Loses Another Appeal

The state's highest court has dismissed an appeal by Rep. Adam Clayton Powell and his wife in a case stemming from a defamation-of-character suit against him.

The Court of Appeals, without issuing a written opinion, rejected the Harlem Democrat's appeal against a lower court ruling that he and his wife, Yvette, had transferred property in Puerto Rico to avoid having it attached to pay the defamation judgment.

A State Supreme Court justice had ruled that the Powells had fraudulently transferred the property to one of Mrs. Powell's relatives. The Appellate Division upheld that decision yesterday.

The case was another in a long series that began more than three years ago when Powell was convicted of having defamed Mrs. Esther James, 68, a Harlem widow.

Powell described her on a television program as a "bag woman," — go-between — for gamblers and corrupt police.

A Supreme Court jury awarded $211,500. The amount later was reduced to $46,500.

Mrs. James has since sought to collect the money, but Powell has evaded payment of most of the award.

Last December, a State Supreme Court justice levied a $575,000 judgment against the Powells in a suit brought by Mrs. James in connection with the transfer of the Puerto Rican property.

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FD-350 (Rev. 7-10-61)

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Powell & Wife Lose Plea on 575G Award

Albany, May 5 (AP)—Rep. Adam Clayton Powell and his wife, Yvette, today lost their appeal to the Court of Appeals against a $575,000 judgment levied against them in the connection with a defamation award.

The state's highest court rejected without written opinion the appeal against a lower court ruling that they had transferred an $85,000 property in Puerto Rico to avoid having it attached.

Award Was Given

Mrs. Esther James, 68, a Harlem widow whom Powell described in a television program as a "bag woman" for gamblers and corrupt police, has been trying to collect for more than three years since Powell was convicted of defaming her character.

A State Supreme Court jury awarded her $211,500 but the amount later was reduced to $46,500. Powell allegedly has avoided paying her most of that amount.

In December, a state Supreme Court justice levied a $575,000 judgment against the Powells in

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suit brought by Mrs. James in connection with the transfer of the Puerto Rican property.

last month, Justice Harry E. Frank of the state Supreme Court held that the Powells were in contempt of court for failure to respond to court orders relative to the $575,000 judgment.

FD-350 (Rev. 7-16-62)

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APPEAL BY POWELLS DISMISSED BY COURT

ALBANY, May 5 (AP)—The state's highest court dismissed today an appeal by Representative Adam Clayton Powell and his wife, Yvette, in a case stemming from a defamation-of-character suit against Mr. Powell.

The Court of Appeals rejected, without a written opinion, Mr. Powell's appeal against a lower court ruling that he and his wife had transferred property in Puerto Rico to avoid having it attached to pay the defamation judgment.

A State Supreme Court justice had ruled that the Powells had fraudulently transferred the property to one of Mrs. Powell's relatives. The Appellate Division upheld that decision.

The case was another in a long series that began more than three years ago when Mr. Powell was convicted of having defamed Mrs. Bethea James, a 53-year-old Harlem widow, by describing her on a television program as a "bag woman," or go-between for gamblers and corrupt policemen.

A Supreme Court jury awarded $211,500, but that amount later was reduced to $46,500, and after Mr. Powell failed to pay it, a State Supreme Court justice levied a $575,000 judgment against the Powells in a suit brought by Mrs. [illegible].

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FD-350 (Rev. 7-16-63)

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Angry Powell Asks Probe of 'Sterile' AFL

Washington, May 6 (UPI)—Rep. Adam Clayton Powell (D-N.Y.), stung by a personal attack from organized labor, said today he would investigate the "senile, puerile, sterile" leadership of the AFL-CIO.

Powell angrily told a news conference that the AFL-CIO leadership was working with George Stewart, who holds the title of architect of the Capitol, to keep Negroes from skilled building jobs. The architect's office denied it.

Powell, chairman of the House Education and Labor Committee, said he would discuss such an investigation Tuesday with Franklin D. Roosevelt Jr., chairman of the Equal Employment Opportunities Commission. Powell said that if Roosevelt would not conduct the investigation of minority employment in labor unions, he would

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Angry Powell Lashes 'Senile' Labor Chiefs

Washington, May 7—Adam Clayton Powell, stung by AFL-CIO criticism of his moves against the on-site picketing bill, has lashed back at the "senile, peurile, sterile old men" who he said make up the top leadership of the giant labor organization.

"There's no respect for labor man of the House Education any more," said Powell, chair- and Labor Committee. "It's led by a bunch of old men standing in the way of progress."

Powell's wrath descended on AFL-CIO president George J. Meany and his associates at a press conference he called yesterday shortly after the organization's executive council criticized him for failing to bring in the House a bill that would permit building trades unions to picket construction sites even though only one contractor is involved in a labor dispute.

The council urged the House leadership to take steps if Powell does not change his mind, "to ensure that the principles of democracy will prevail and that the members will have an opportunity to vote on this issue."

The bill was taken off the calendar by Speaker McCormack Wednesday at Powell's request. Powell has blocked the bill for years because of his disapproval of the building trades unions' record in bringing Negroes into membership.

"For 15 years the bill has been before Congress," Powell said. "And for 15 years the building trades have refused to change their rules covering [illegible]—not just Negroes, [illegible]ans, Jews, Catholics, and Irish, in some cases, Protestants."

"At a meeting with Meany three years ago—the first, only and last time we met—I asked him to get to work and change this. Well, what's happened?" Powell asked.

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Powell Courts Ire of Courts, Justice Says

The attempt by Rep. Adam Clayton Powell "to invest his contumacious disregard of court procedures with the sanctity of Congressional privilege is a cynical perversion" of his high legislative office, Supreme Court Justice Harry B. Frank said yesterday.

On March 31, the jurist held Powell in contempt for failing to appear for examination in a $575,000 judgment against him. This was awarded to Mrs. Esther James, 63-year-old Harlem widow, after an inquest on Powell's asserted transfer of Puerto Rican property to his wife's relatives to evade a defamation award.

Three years ago, Mrs. James had been originally awarded $46,500 on Powell's charge that she was a "bag woman," or collector, for the police.

Ordered to Appear

Justice Frank ruled on Powell's plea to reopen the case so he could explain why he failed to answer the contempt motion and also for permission to submit opposing papers.

Frank ordered the Congressman to appear before him at 2 P.M. June 14, and warned that unless he shows up, his application will be denied.

The justice cited "the history of repeated disobedience to court mandates" and said he was reluctant to extend courtesies to one "who apparently relishes the derangement and frustration of the judicial process."

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Powell Denies Plot For a Negro 'War'

By BARRY CUNNINGHAM

A Life magazine article asserting that militant Negro extremists in Harlem are plotting a ghetto war this summer has provoked an angry retort from Rep. Adam Clayton Powell.

The article, titled "Plot to Get Whitey," is "a dangerously combustible piece of journalism at this critical juncture in race relations," Powell charged yesterday.

"Not only does Life fail to substantiate any of its allegations that there is any sizeable number of arms caches in Harlem, but it irresponsibly creates the impression that Harlem and other Negro communities are developing into nothing but black armed camps."

"Dozens and hundreds" of militant Negro cultists, according to the article, avowedly intend to spread "massive terror" in the nation's ghettos this summer.

Tells of Arms Caches

"There are groups with weapons caches—sniper rifles, sidearms, shotguns, automatics, even bazookas—" the article, in the current issue, alleges. "They proliferate—under names such as Uhuru, Black Arts, RAM (Revolutionary Action Movement), Black Flag, Black Vanguard."

Moreover, a white storekeeper in Harlem, reporting to the article, once reported to precinct detectives that he was astounded to see 30 to 100 men drilling outdoors with "rifles, automatics and dummy demolition charges."

There is no record of such an incident, police say. If there had been, they said, action would have been taken the same day.

[illegible] officials have discounted the article.

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United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, SECOND SESSION

My Black Position Paper

BY

HON. ADAM C. POWELL

OF NEW YORK

Mr. POWELL. Mr. Speaker, this year I celebrate a quarter of a century in politics.

In those 25 years, a philosophy which has guided my thought and my every act has evolved out of my life experiences as minister, politician, Congressman, and man from Harlem.

This philosophy is summed up in what I call my "Black Position Paper."

But it is an open-end continuing document whose contents are always subject to the influence of new ideas and changing events.

The black position paper is an outline for living and call to action for America's black people.

It is, above all, that passionate reaffirmation in what black people are today and what we can be tomorrow.

The following 17 points comprise my black position paper:

1. We must give our children a sense of pride in being black. The glory of our past and the dignity of our present must lead the way to the power of our future.

2. Black organizations must be black led. Other ethnic groups lead their own organizations. We must do the same. Jews lead the American Jewish Congress, American Jewish Committee and B'nai B'rith. Irish control the St. Patrick's Day Parade Committee and the Irish-American Historical Society. Poles head the Polish-American Congress and the Polish National Alliance. Italians lead the Italian-American Democratic organizations and the Italian-American Labor Council. This kind of honest pluralism is a happy fact of American life.

3. The black masses must be primarily responsible for their own organizations. Only with black financial control can black organizations retain their honesty, their independence and their full commitment to the urgency of immediate equality.

4. The black masses must demand and refuse to accept nothing less than their proportionate share of political jobs and appointments which are equal to their proportion in the electorate. Where we are 20% of the voters, we should command 20% of the votes, judgeships, commissionerships, and all political appointments.

5. Black people must support and push black candidates for political office first. This mandate should apply particularly where black candidates are at least equally well-qualified as other candidates.

6. Black people must seek audacious power—the kind of power which cradles your head amongst the stars and gives you the security to stand up as proud men and women, eyeball to eyeball with the rest of the world.

As Chairman of the House Committee on Education and Labor, I control all labor and education legislation. This year, my Committee will raise the minimum wage for the second time in five years—both during my chairmanship. When I first became chairman, the Federal commitment to education was $450 million. It is now $3.9 billion—an eightfold increase. The $1.7 billion for the war on poverty which has given the poor of America their first opportunity to be heard as a national voice derives its mandate from my Committee.

This is legislative power. This is political power. Above all, this is audacious power.

7. Black leadership in the North and the South must shift its emphasis to the two-pronged thrust of the Black Revolution: economic self-sufficiency and political power. The Civil Rights Act of 1964 (with the exception of Title VII or the "FEPC Title") has absolutely no meaning for black people in New York, Los Angeles, Chicago, Philadelphia, Detroit, or any of the northern cities.

It has been difficult for black leadership to grasp these new dimensions of necessary economic and political power for the black masses. This is because black leadership has been saturated to long with too many hustling social workers and professional "Negro leaders" whose only contribution they can make to American society is that they are white handpicked "leaders."

8. Black masses must produce and contribute to the economy of this country in the proportionate strength of their population. Rather than a race primarily of consumers and stockboys, we must become a race of producers and stock brokers.

9. Black communities of this country—whether they are New York's Harlem, Los Angeles' Watts, Chicago's South and West Sides, Philadelphia's North Side or Detroit's East Side—must neither tolerate or accept outside leadership, black or white.

Too many black communities in America today suffer from absentee black leadership.

Black communities must insist on black leaders living amongst them, knowing and sharing the harsh truths of the ghetto. These black leaders—the ministers, the politicians, the businessmen, the doctors and the lawyers—must come back to the black communities from their suburban sanctuaries or be purged as leaders.

10. The black masses should follow only those leaders who have true power—what President Kennedy called clout—and who can sit at the bargaining table with the white power structure as equals in power and negotiate for a share of the loaf of bread, instead of begging for some of its crumbs. These leaders will be chosen by the black masses themselves.

11. Demonstrations and all continuing protest activity must be non-violent. Violence even when it erupts recklessly in anger among our teenagers must be curbed and discouraged.

12. Black people must continue to defy the laws of MAN when such laws conflict with the law of God. The law of God ordains that "there is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus.

13. Black people must discover a new and creative involvement with ourselves. We must turn our energies inwardly toward our homes, our churches, our families, our children, our colleges, our neighborhoods, our businesses and our communities. Our fraternal and social groups must become an integral part of this creative involvement by energizing their resources toward constructive fund raising and community activities.

Too much time is spent on cotillions and champagne sips and running around sipping martinis in the homes of suburban white families. Some of these energies should be directed to helping black families who are starving in the inner city.

14. The War on Poverty must become that more productive crusade for jobs. The only thing that keeps a man impoverished is his incapacity to earn a living. Put some green in his pocket and some bread in his soul and he'll be that better citizen, that more productive father, that finer American.

15. The battle against segregation in America's public school systems must become a national effort, instead of the present regional skirmish that now exists. Title VI of the 1964 Civil Rights Act outlaws de jure racial segregation. It has no meaning or application to the hard core pockets of de facto racial segregation in Northern schools which is just as malicious, just as destructive of the human spirit.

16. We must put pressures on our predominantly black colleges to shift their emphasis from teacher education to nuclear physics and aerodynamics. Black colleges are still grinding out teachers and sociologists while other major schools are graduating space engineers and nuclear physicists.

17. Every black man who considers himself an American must become a registered voter. Freedom in a democracy rests on a free electorate. A free electorate only survives when people vote. But do more than vote. Learn to vote for those who are your friends, against those who are your enemies. No black person ever ill must be permitted to walk a picket line or participate in any demonstration unless he or she is a registered voter.

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Call on Powell To Pay Weekly

Supreme Court Justice Irving Saypol reserved decision yesterday on a move by Harlem widow Esther James to force Rep. Adam Clayton Powell to pay $600 a week on the balance of $33,000 that the Congressman still owes on a defamation award.

Mrs. James won a $46,500 defamation award after the Congressman called her a "bag woman" for the police in a television broadcast in 1960.

Last month, acting Supreme Court Justice Maurice Wahl ordered Powell to pay Mrs. James $575,000 for having evaded payment of the defamation award. Powell allegedly transferred property in Puerto Rico to his wife's relatives to avoid payment.

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Powell Demands Shift In Poverty War's Aim

Washington, Jan. 14 (AP)—Rep. Adam Clayton Powell (D-N. Y.) plans to ask Congress to rewrite its anti-poverty legislation, scrapping all cultural and social programs and concentrating on job-training and employment.

In an interview yesterday, he said he will sketch in details for his proposed new look for the controversial $1,500,000 program when the House Education and Labor Committee, which he heads, holds hearing on it in a week or two.

Name of the Game

The program should be directed solely at providing jobs for the hard-core unemployed, Powell said. He added: "Jobs is going to be the name of the game."

The only witnesses will be Cabinet officials and agency heads involved in the program.

If Powell gets his committee and Congress to go along with him, it could lead to an administrative upheaval in the Office of Economic Opportunity, which now directs the varied programs making up what President Johnson calls the "War on Poverty."

Congress would probably insist that a job-oriented anti-poverty program dovetail with job-training programs already in existence.

Powell should have little trouble getting his committee to go along with him. Many of its leading Democrats are known to share his views.

Support by GOP

He should also be able to expect some Republican support in the House since he is borrowing heavily from GOP proposals, including reliance on private industry to provide on-the-job training.

Powell's narrowed concept of the anti-poverty program should also win the approval of those Republicans who have criticized the present effort for scattering its shots.

Powell did not say what cultural and social programs he wanted to see dropped. But he said anything that wouldn't provide training or a job would have to go.

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Powell Urges Stress on Jobs

WASHINGTON, Jan. 14 (AP) — Rep. Adam Clayton Powell, D-N.Y., plans to ask Congress to rewrite its anti-poverty legislation, scrapping all cultural and social programs and concentrating on job training and employment.

He said he will sketch in details for his proposed new look for the controversial $1.5 billion program when the House education and labor committee, which he heads, holds hearings on it in a week or two.

The program should be directed solely at providing jobs for the hard-core unemployed, Powell said. He added: "Jobs is going to be the name of the game."

The only witnesses will be cabinet officials and agency heads involved in the program.

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Powell Ignores SIC Probe

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By JOSEPH ALVAREZ
Of the World-Telegram Staff

Rep. Adam Clayton Powell today turned down an opportunity to take the stand in the State Investigation Commission hearings into public housing and refute former Dodger star Jackie Robinson's charge of political abuses.

Robinson testified yesterday that he lost the sponsorship of a huge Harlem project because the proposed site was "reserved" for Powell and J. Raymond Jones. Jones is a city councilman and New York county Democratic leader.

Powell's press secretary, C. Sumner Stone, said in Washington when asked if Powell would appear at the hearings: "No. There would be no reason to testify."

Powell's opportunity to reply to Robinson's charges is inherent in a long-standing [illegible] policy.

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FD-350 (Rev. 7-16-62)

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Rules Group Slaps Powell On Absences

Washington, July 14 (AP) — The House Rules Committee criticized Rep. Adam Clayton Powell (D-N.Y.) today and arranged for someone else to handle floor debate on the $1.75 billion poverty bill.

Adam Clayton Powell

Immediately afterward, House leaders announced that the bill will be called up for action next Wednesday. One of Powell's aids said he will be out of the city that day because of commitments in New York.

As chairman of the Education and Labor Committee, which handled the measure, Powell normally would serve as floor leader for the bill.

The Rules Committee at an unannounced meeting today amended a previously adopted resolution to provide instead that the speaker may recognize any Democratic member of the Education and Labor Committee to handle the bill.

The Rules Committee also took the rare step of adopting a report criticizing Powell for not appearing in person during three weeks of hearings before it to explain the bill. For much of that time Powell was in Geneva as an official delegate to the International Labor Organization.

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39 News

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FD-350 (Rev. 7-16-62)

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Powell Defines and Defends Black Power

Washington, July 19 (AP) — The nation faces "an endless cycle of violence and destruction" unless it acts to meet demands of new Negro leaders advancing the "black power" philosophy, according to Rep. Powell.

Powell said black power does not imply black nationalism or black supremacy but is aimed [redacted] to full participation in the American society.

Defending black power by his own definition of it, Powell said "merchants of distortion" have used the term in an attempt to divide whites and blacks.

A new breed of young leaders has arisen in the civil rights movement, Powell declared, and [redacted] political, economic and social power "among all the American people."

Rather than seeking Negro domination, the black power forces want "only a part of the action," Powell said.

At a news conference he was critical of Dr. Martin Luther King, veteran civil rights leader who has disagreed with the black power advocates.

"He is confused, he does not understand what black power means," Powell said of King.

King equates black power with black supremacy, Powell said, asserting that advocates of black power want only to "try to move together with whites into the mainstream of American life."

The new leaders, Powell said, include Stokely Carmichael, new head of the Student Non-Violent Coordinating Committee.

The Congressman said veteran Negro leaders have been "too busy getting white money, and the support of white liberals and being led down the primrose path of integration."

Powell said Negro populations [redacted] largest cities [redacted] predicted [redacted] cities in 10 [redacted]

Powell said the black power debate of recent weeks had not caused the outbreaks in Negro areas of Chicago and Los Angeles. They resulted, he said, from insufficient "sense of black power" on the part of young Negroes.

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FD-350 (Rev. 7-16-62)

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POWELL DEFENDS RIGHTS MILITANTS

Says It Is Time to Repudiate Critics of Black Power

By MARJORIE HUNTER
Special to The New York Times

WASHINGTON, July 18 — Representative Adam Clayton Powell warned today of an endless cycle of violence and destruction" if the nation ignored "black power."

The Manhattan Democrat said black power would become the "controlling force" in the nation's largest cities in the next decade.

Critical of Negro leaders who have protested the black power challenge of the young militants, he suggested it was time to repudiate the "fading aristocratic colonials of the civil rights movement."

Mr. Powell thus assailed such older civil rights leaders as the Rev. Dr. Martin Luther King Jr. of the Southern Christian Leadership Conference and Roy Wilkins of the National Association for the Advancement of Colored People. Mr. Wilkins has denounced black power as "black racism" or "black supremacy."

Mr. Powell, siding with those he called the "new breed of cats," told a news conference today that "self-righteous, old-fashioned leaders and opinion makers, black and white" had intentionally distorted the phrase black power.

Black power, he said, does not mean "black nationalism" or "black supremacy" or "anti-white." Black power, he said, is a new philosophy for "the tough, proud young Negroes who categorically refuse to compromise or negotiate any longer for their rights."

These young militants, he said, reject "our pasteurized Negro leadership which should be put out to pasture."

These older leaders, he said, "have been so busy getting white money and the support of white liberals and being led down the primrose path of phony integration that they have lost contact with the Negro youth."

Mr. Powell declined to identify these leaders, but he said that he had recently spent 12 hours trying to explain the black power movement to Dr. King.

"Martin Luther King doesn't understand black power," Mr. Powell said. "He thinks it means black supremacy."

Describing himself as "the old man of the black revolution," Mr. Powell said that perhaps he, too, was on the way out.

Mr. Powell said that he had coined the phrase "black power" before it was sounded by such militants as Floyd B. McKissick, national director of the Congress of Racial Equality, and Stokely Carmichael, chairman of the Student Nonviolent Coordinating Committee.

Black power, he said, "does not by any means suggest that black people will take over the whole nation." But it does mean that black power will be the controlling force in the big cities "as they become blacker," he said.

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FD-350 (Rev. 7-16-62)

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Powell Must Pay $600 a Week for Slander of Widow

By HENRY LEE

Rep. Adam Clayton Powell's three-year fight to escape retribution for defaming an elderly widow's character—a sort of one-man legal filibuster through state Supreme Court, the Appellate Division, Court of Appeals and even the U. S. Supreme Court—ended in another, and perhaps a final, defeat yesterday.

The veteran Harlem Congressman and his third wife, Yvette, were ordered to start paying $600 weekly on the $160,000 judgment obtained by 68-year-old Mrs. Esther James.

Back in April, 1963, a state Supreme Court jury held Powell guilty of defamation in having called Mrs. James "a bagwoman," or graft collector, for the police, on a TV program, and the widow has been pursuing him since in the courts to get her money.

Judge Sets the Amount

Yesterday, in State Supreme Court, Justice Irving H. Saypol hit Powell and his wife with the $600-a-week order, directing that the Congressman ante up $500 and Yvette $100.

In a separate four-page ruling, Saypol said that only a technicality in the legal papers kept him from punishing Powell for criminal contempt in refusing to pay the money.

Of Powell—who also has three other contempt citations pending against him—the justice observed:

"The most that can be said for this debtor's misbehavior is that it reflects his own peculiar brand of civil disobedience."

Saypol also characterized Powell's attitude toward the courts as "disdainful and demeaning and denigrating," and added:

"There is no doubt, nor would there be any hesitancy to adjudge the alleged contemnor [illegible]

Rep. Adam Powell
Loses three-year fight

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5 News

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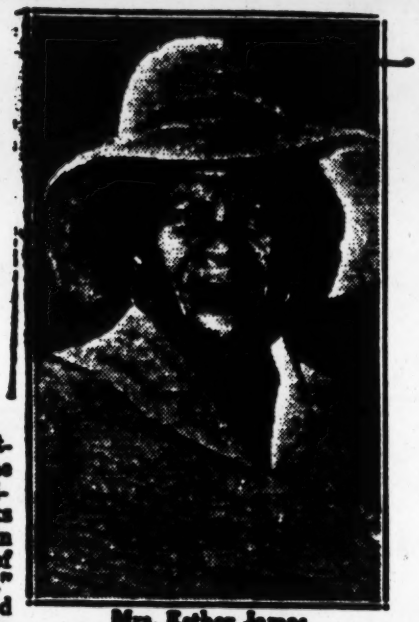

Mrs. Esther James
Perseverance pays

Sees Holes in the Cloak

While Powell's lawyer "attempts to cloak his client in the shroud of Congressional immunity," the justice said, he overlooks the fact that the House was in recess "on the respective dates of the subpena and contempt order."

At another point, Saypol said crisply, "His behavior suggests that he is his own worst enemy."

In fixing the amount of the weekly payments, the justice said figures submitted by Raymond Rubin, Mrs. James' lawyer, showed that the Powells enjoyed joint income of $66,000 yearly. This included Powell's salary as Congressman and pastor of Harlem's Abyssinian Baptist Church and Mrs. Powell's pay as her husband's legislative secretary.

FD-350 (Rev. 7-16-63)

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POWELL DEMANDS NEGRO FOR BENCH

Asks One of Supreme Court Nominations Due Tonight

By PETER KIHSS

Representative Adam Clayton Powell demanded yesterday that a Negro get one of the four Manhattan-Bronx nominations for Supreme Court justice to be made tonight.

He called upon Senator Robert F. Kennedy, who withdrew Saturday from party "slate-making" negotiations in addition due to local bickering, "as a leader of New York State Democrats" to "do something" to assure a Negro appointment.

VIEWS JUDGESHIPS: Representative Adam Clayton Powell Jr. is declared a Negro should get a Manhattan-Bronx seat on the court of State Supreme Court justice.

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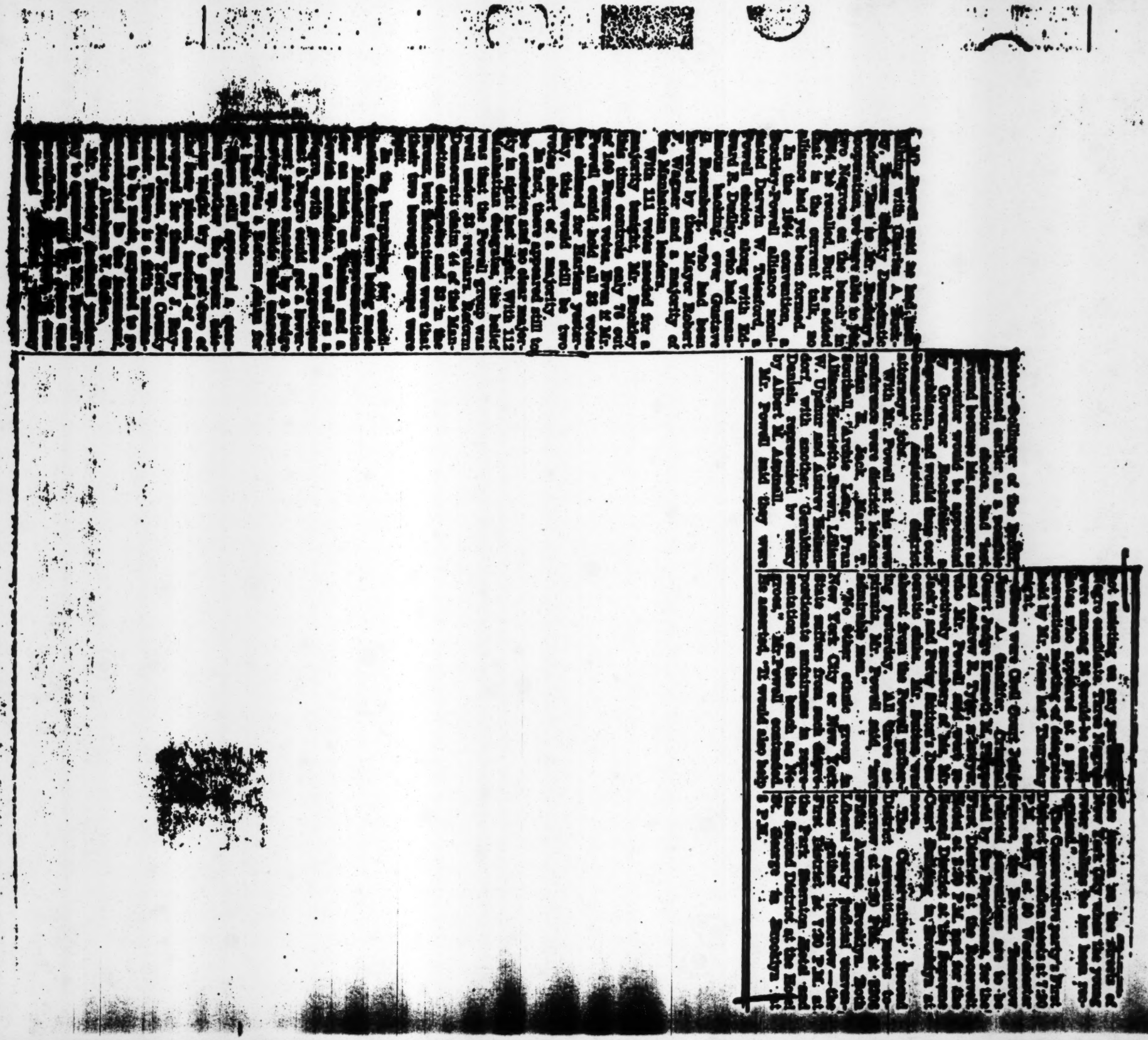

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Court Cites Powell in Contempt

By WILLIAM RICE

Rep. Adam Clayton Powell, the Harlem Democrat who has been using everything in his legal bag of tricks to avoid payment of more than $160,000 in judgments won by a Harlem widow he called a bag woman, was cited in criminal contempt yesterday by Supreme Court Justice Irving H. Saypol.

Acting under the Judiciary Law, Saypol directed that a trial be held to determine the "extent of his wilfulness" in evading court directives, and said that the district attorney's office was "free to call on this court" for a warrant against Powell for contempt action.

District Attorney Frank Hogan was unavailable for comment.

Accused Over Subpenas

Powell was charged with failure to answer subpenas in connection with an examination of his financial ability to pay the judgments awarded to Mrs. Esther James to whom he referred on a 1960 television program as a big woman, or graft collector, for corrupt police.

Mrs. James began defamation litigation and was awarded $46,500. Powell was assessed further damages after courts held that he transferred real estate to avoid paying the libel judgment.

The justice set Sept. 6 as the opening of a trial to determine Powell's wilfullness in the contempt case, and for a trial to find out whether Powell is financially able to pay the $500 a week that Saypol ordered him to pay Mrs. James in a ruling last month.

At yesterday's hearing, Powell's attorney, Henry James, sought to establish that the court orders were not properly served on the Congressman.

He called Odell Clark, chief investigator for the House Committee on Education and Labor, who testified that he and his wife were in Washington in December, 1965, when a subpena calling for Powell's examination was tacked on their apartment door.

(Indicate page, name of newspaper, city and state.)

5 Daily News

Date: 8/13/66
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FD-350 (Rev. 7-10-63)

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POWELL LOSES BID FOR TRIAL DELAY

Appellate Division Rules He Faces Contempt Charge

The Appellate Division ruled yesterday that Representative Adam Clayton Powell must stand trial for criminal contempt of court for failing to satisfy a defamation-of-character judgment he lost more than three years ago.

However, Henry R. Williams, the Representative's lawyer, said that he was considering several moves to block the trial. The lawyer said that he would still insist that the State Supreme Court did not have the authority to hold the trial, although the appeals court apparently killed this argument yesterday.

In a 5-0 decision, the Appellate Division denied a writ of prohibition sought by Mr. Powell to block his trial. There was no opinion accompanying the decision; but it was understood that the court would outline its legal position in a memorandum to be handed down today.

Mr. Powell faces five charges of criminal contempt for having violated five court orders and subpoenas ordering his appearance in connection with the judgment he owes Mrs. Esther James, a 68-year-old Harlem widow. The Representative described her on a 1960 television program as a "bag woman," a gambler's go-between with corrupt policement.

The Manhattan Democrat has avoided and violated several court directives ordering him either to pay the judgment or submit to a financial examination as to his ability to pay any part of it.

He has been held in civil contempt of court and a civil order for his arrest was issued two years ago.

The order could not be enforced, since Mr. Powell has Congressional immunity from civil arrest while Congress is in session, which is about 10 months of the year. When Congress is not in session, Mr. Powell avoids New York. He does, however, come to the city on Sunday, a day when civil action cannot be executed.

There is, however, no immunity from criminal contempt. Criminal contempt carries a maximum 30-day jail sentence.

The next move in the case will be up to State Supreme Court Justice William C. Hecht Jr. tomorrow morning.

Twice, Justice Hecht has postponed sending the matter out to a trial justice. Each time—the last instance being yesterday morning before the Appellate Division ruling—he postponed the trial because he wanted the higher court's ruling on whether he could proceed.

Both Mr. Williams and the lawyer for Mrs. James, Raymond Rubin, indicated yesterday that they expected the trial to begin tomorrow.

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21 NY Times

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FD-350 (Rev. 7-18-62)

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AUDIT UNDER WAY ON POWELL FUNDS

House Investigating Panel Will Employ Lawyer

By JOSEPH A. LOFTUS
Special to The New York Times

WASHINGTON, Sept. 26—A House subcommittee investigating the accounts of Representative Adam Clayton Powell said today that an audit was under way and that counsel would be hired.

The inquiry, however, is not likely to be completed before Congress adjourns — assuming that adjournment comes around Oct. 15.

The administration subcommittee could issue a report after adjournment, but it would have no automatic standing before the new House in January. History is stacked against the possibility that one Congress would censure a member for something that happened in an earlier Congress.

The history of the House shows only 16 cases of censure. George B. Galloway, who wrote "The History of the House of Representatives," published by Thomas Y. Crowell Company, New York, in 1961, said in his book:

"In general, the House has been dubious of its power to punish members for offenses committed before their election." An election will intervene before the new Congress convenes.

Representative Wayne L. Hays, Democrat, of Ohio who is chairman of the investigating group, said after an organization meeting:

"Frankly, practical. The way this thing looks now, I don't think we can have an audit in three weeks."

The audit now is limited to the Manhattan Democrat's financial responsibility as chairman of the Education and Labor Committee. The committee relieved him of much of his power last Thursday.

Mr. Hays said he did not contemplate public hearings now. Also, he said he had no plans to inquire into Mr. Powell's office payroll, as distinct from the committee expenditures, although he said he was not definitely excluding anything.

Mr. Powell's wife, Yvette, is on his office payroll at $20,058 a year, not on the committee payroll. The complaints before the subcommittee, Mr. Hays said, have come from members and they concern the committee.

He mentioned "the rapid rotation of employes, most of whom the members have never seen." He added that "We have had some evidence that there has been an awful lot of trips to Miami. We are going to look at the payrolls and see if they [the employes] have done any work for money received.

Mr. Hays, who said last week he could finish the inquiry before adjournment, said today he had to revise his timetable because "I did not realize the immensity of the project and the number of vouchers that have to be examined."

He said he did not know whether the subcommittee had subpoena authority but that if it is needed "I am sure we can get it."

Answering a question, Mr. Hays said "if the law's been violated we can recommend discipline, sure."

Referring to the House action involving the committee, Mr. Hays said:

"Part of the trouble, seems to be that we were too generous in giving this committee money. If so, we'll set down some guidelines for the future."

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21 NY Times

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Bingham Delays Approval Of Powell Investigation

WASHINGTON, Sept. [redacted] (AP) — An objection by Representative Jonathan B. [redacted]ham, Bronx Democrat, tem[redacted]arily delayed House action [redacted]day on a resolution to finance an investigation of Representative Adam Clayton Powell, Manhattan Democrat.

The resolution would make available $25,000 for expenses of the investigation by a House administration subcommittee.

Since the resolution had been approved by a majority of the committee in a telephone poll but not at an actual committee session, it was called up under procedure requiring unanimous consent. Mr. Bingham objected to the unanimous consent request made by Representative Omar Burleson, Texas Democrat who is chairman of the Administration Committee.

Mr. Burleson immediately called a committee meeting for next Wednesday to act on the resolution. He told the House he had been unable to muster a quorum previously except by telephone.

The investigators are expected to inquire into Mr. Powell's handling of office payrolls and travel expenses of members and employes of his committee.

(Indicate page, name of newspaper, city and state.)

17 NY Times

Date: Oct 1, 1966
Edition: Late City
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Powell Airline Credit Card Is Canceled by House Panel

WASHINGTON, Oct. 1 (AP) —Representative Adam Clayton Powell's airline credit card, payable with Federal funds, has been canceled by the House Administration Committee, a member of that group said today.

Representative Sam M. Gibbons, Democrat of Florida, said Representative Wayne L. Hays, Democrat of Ohio, had ordered Mr. Powell's Eastern Air Lines credit card canceled as part of an investigation he was conducting of the Manhattan Democrat's Congressional financial affairs. Mr. Gibbons is a member of the House Education and Labor Committee, which Mr. Powell heads, as well as of the Administration Committee.

An Administration subcommittee headed by Mr. Hays has disclosed that Mr. Powell used Education and Labor Committee funds to pay for 65 trips between New York and Miami, and Washington and Miami, during the current session of Congress.

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

157-1465
157-1393

Chicago, Illinois
September 30 1966

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COORDINATING COUNCIL FOR BLACK POWER
RACIAL MATTERS

CONFERENCE ON BLACK POWER, OCTOBER 15-16, 1966, WASHINGTON, D. C.
RACIAL MATTERS

Reference is made to Chicago memorandum dated September 26, 1966, under the caption "Coordinating Council for Black Power; Racial Matters."

The sources utilized in this memorandum have furnished reliable information in the past.

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[redacted]

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4-750 (Rev. 12-14-88)

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FBI/DOJ

COORDINATING COUNCIL FOR BLACK POWER

CONFERENCE ON BLACK POWER, OCTOBER 15-16, 1966, WASHINGTON, D.C.

[redacted]

Characterizations of the DDJ, W. E. B. Du Bois Clubs of America (DCA), and DCC will be found in the appendix section attached to this memorandum. The sources utilized in these characterizations have furnished reliable information in the past.

[redacted]

Copies of this memorandum are being provided to the Office of the United States Attorney, Chicago, to Secret Service, Chicago, as well as to Region I, 113th INTC Group, Evanston, Illinois.

1

APPENDIX

DEACONS OF DEFENSE AND JUSTICE, INC., aka Deacons for Defense and Justice, Inc.

The Articles of Incorporation of the Deacons of Defense and Justice (DDJ) as on file with the Secretary of State, for the State of Louisiana, reflects that the Deacons of Defense and Justice, Inc., is a Louisiana corporation domiciled at Jonesboro, Louisiana. The location and business office address of its registered office shall be Amos Service Station (rear), Beach Spring Road, Drawer B. Jonesboro, Louisiana.

"This corporation is organized for the following purposes and to carry on the following purposes:

"To instruct, train, 'teach and educate Citizens of the United States and especially minority groups in the fundamental principles of the republican form of government and our democratic way of life; to instruct, teach, train and educate said persons in the provisions of the constitution and laws of the United States and the State of Louisiana, as well as the constitution and laws of any other state wherein this corporation may operate; to instruct, teach, train and educate said persons in the use, value, and purpose of the ballot and the right to vote; to instruct, teach, train and educate said persons as to the duties and responsibilities of good citizenship relative to the obligation and duties of the community to the citizen: to further instruct, teach, train and educate said persons in the value of economic security and in the effective use of their spending power; to inspire in said persons a sense of responsibility and to develop leadership. This corporation has for its further purpose, and is dedicated to, the defense of the civil rights, property rights and personal rights of said people and will defend said rights by any and all honorable and legal means to the end that justice may be obtained. This corporation may establish chapters and conduct its business at any place in this State and elsewhere as permitted by law.'"

1

APPENDIX

W.E.B. DU BOIS CLUBS OF AMERICA (DCA)

A source has advised that on October 26-27, 1963, a conference of members of the Communist Party (CP), including national functionaries, met in Chicago, Illinois, for the purpose of setting in motion forces for the establishment of a new national Marxist-oriented youth organization which would hunt for the most peaceful transition to socialism. The delegates were told that it would be reasonable to assume that the young socialists attracted into this new organization would eventually pass into the CP itself.

A second source has advised that the founding convention for the new youth organization was held from June 19-21, 1964, at 150 Golden Gate Avenue, San Francisco, California, at which time the name W.E.B. DuBois Clubs of America (DCA) was adopted. Approximately 500 delegates from throughout the United States attended this convention. The aims of this organization, as set forth in the preamble to the constitution, are: "it is our belief that this nation can best solve its problems in an atmosphere of peaceful coexistence, complete disarmament and true freedom for all peoples of the world, and that these solutions will be reached mainly through the united efforts of all democratic elements in our country, composed essentially of the working people allied in the unity of Negroes and other minorities with whites. We further fully recognize that the greatest threat to American democracy comes from the racist and right wing forces in coalition with the most reactionary sections of the economic power structure, using the tool of anti-Communism to divide and destroy the unified struggle of the working people."

Over the Labor Day weekend, 1965, the DCA held a conference in Chicago, Illinois, and a new slate of officers was elected to the National Executive Committee (NEC) of the DCA. Since Labor Day, 1965, identities of those serving on the NEC has varied; however, according to a third source as of May, 1966, thirteen of the fifteen members of the NEC were members of the CP in the San Francisco Bay area.

As of July, 1966, the headquarters of the DCA was located at 180 North Wacker Drive, Chicago, Illinois.

APPENDIX

W.E.B. DU BOIS CLUBS
OF CHICAGO (DCC)

On May 3, 1965, a source advised that on June 30, 1964, a group of young people who attended the founding convention of the W.E.B. DuBois Clubs of America (DCA), met in Chicago and adopted a statement of purpose and constitution forming the DCC as an affiliate of the national DCA.

This source further advised that at a meeting of the Chicago Area of the Midwest Region of the DCA held April 3, 1965, the boundary of the Chicago Area was established to include all of Illinois north of Springfield, Illinois, and all of Indiana. At this meeting, TED PEARSON was elected Area Coordinator.

A second source advised on May 9, 1966, that as of May, 1966, TED PEARSON, Chairman of the Youth Club of the Communist Party (CP) of Illinois, continued to be the Chicago Area Coordinator of the DCA, and the official headquarters is located at the PEARSON apartment, 1808 North Cleveland Avenue, Chicago, Illinois.

The second source advised that there are currently two clubs operating in the Chicago Area, one on the west side and the other on the near north side. The west side club operates a club house known as the West Side Freedom Center at 2908 West Madison Street which is open seven days a week to the teen-agers on the west side.

FD-36 (Rev. 8-22-64)

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(157-1393)

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COORDINATING COUNCIL FOR BLACK POWER
RM

CONFERENCE ON BLACK POWER, OCTOBER 15-16, 1966, WASHINGTON, D. C.
RM

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Classified by [redacted]
Declassify on: OADR 9/29/86

ReCGairtel and LHM dated 9/26/66 captioned, "Coordinating Council for Black Power," and Buairtel dated 9/20/66 captioned, "Conference on Black Power, October 15-16, 1966, Washington, D. C."

Enclosed herewith for the Bureau are 17 copies of a LHM concerning captioned matters. Copies are being designated as noted for Atlanta, New Orleans, New York, and WFO for information in connection with organizations or activities of interest to these offices.

The sources utilized in the enclosed LHM are as follows:

[redacted]

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(See page 2 for copies)

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Special Agent in Charge

CG 157-1465
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2-Atlanta (Enc. 2)(RM)(SNCC)
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(1 - 157- (DDJ)
2-WFO (Enc. 2)(RM)
(2 - 157-1023 (Conference on Black Power, 10/15-16/66, Washington, D.C.)
3-New York (Enc. 3)(RM)
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(1 - 100-11329 (CORE)
(1 - 157- (West Side Organization)
(1 - 100-40865 (DCA)
(1 - 157-572 (DDJ)
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CG 157-1393

Chicago is continuing to follow closely the activities of the Coordinating Council for Black Power as well as matters pertaining to the 10/15-16/66 Conference of Black Power in Washington and information which is subsequently obtained concerning both these matters will be appropriately forwarded to the Bureau and interested offices.

CONFIDENTIAL

FD-350 (Rev. 7-16-62)

(Mount Clipping in Space Below)

'Thinks Powell Unit Is Fast With the $s

By ANN WOOD and CHARLES RABB

Washington, Sept. 26 (NEWS Bureau)—Adam Clayton Powell and his open-handed House committee "probably" have already spent almost their entire $614,000 budget for this year, Rep. Wayne Hays (D-Ohio) said today.

And if the New York Democrat expects any more money from Congress, Hays said, he is mistaken.

This word came from Hays after his special ethics subcommittee began a probe of the Powell group's finances.

Hays noted that $481,101 had been spent by Powell's Education and Labor Committee by July 31.

"At the rate they have been spending," he said, "all $614,000 probably is about all gone by now.

"If it is, they better not count on getting any more," he added.

Minutes after Hays reported on his panel's closed-door session, the House took up the $1.75 billion anti-poverty bill. Powell's failure to push the measure touched off a revolt against him in his committee last week as well as the Hays inquiry.

Natty in Gray Suit

The Harlem Congressman, natty in a gray suit and blue striped tie, sauntered onto the House floor in one of his relatively infrequent appearances as Republican critics opened fire on the poverty program and Powell's management of the legislation.

"Handling of the anti-poverty Committee is the worst I have seen by this committee or any other committee in my nine years in Congress," thundered an opposition keynoter, Rep. Albert H. Quie (R-Minn.).

Quie specifically attacked as "incomplete and aborted" a committee study of the poverty program, for which Powell's group got a special $125,000 appropriation.

The spotlight of the Hays subcommittee investigation also will be focused on this survey, since many of the 65 "committee business" trips by Powell and key aids to Miami and San Juan were charged to this fund.

Will Hire Counsel

Hays said his six-man group would hire a counsel and ask the General Accounting Office to audit committee vouchers to determine whether expenditure, including an "awful lot of trips to Miami," violated the law. If laws were broken, he said, there would be disciplinary action.

Probers would not, however, consider censuring Powell, he said, explaining that the "immensity of the project" would make it impossible to finish the probe before the end of the current session.

(Indicate page, name of newspaper, city and state.)

5-N; Daily News

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Powell Cited For Contempt In James Suit

By MARTIN McLAUGHLIN

Rep. Adam Clayton Powell was held in civil contempt by Supreme Court Justice Harry B. Frank yesterday and ordered to appear in court Friday in a six-year-old defamation suit or face arrest.

The Harlem Democrat must appear at 10 A. M. Friday for a financial examination into his ability to pay $164,000, awarded to Harlem widow Esther James. The Congressman called Mrs. James a barrwoman or graft collector for cops on a TV program six years ago.

Owes Counsel Fees, Too

At the same time, Powell must pay up $606 in counsel and other fees, Justice Frank ruled.

Powell was slapped with the civil contempt charge for ignoring a subpoena. If he does not appear Friday to purge himself of the charge, an arrest order will be issued, the jurist warned.

Raymond Rubin, Mrs. James' attorney, agreed to drop the criminal contempt charges yesterday, although the court had said they appeared warranted "in light of the nature of instant misconduct."

Powell is awaiting a jury trial for criminal contempt charges for other actions in the same case.

Powell, not in court, was assailed by the jurist for abusing the machinery of the tribunal. Originally assessed $46,500 in damages, the award grew to $164,000 during the litigation.

(Indicate page, name of newspaper, city and state.)

27 News

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FD-350 (Rev. 7-16-62)

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Powell Guilty of Contempt in Evading Judgment

By ROBERT E. TOMASSON

Representative Adam Clayton Powell was found guilty yesterday of civil contempt of court for "ignoring, evading or abusing legal procedures" in not paying a $131,000 judgment.

He owes the money for illegally transferring ownership of his home in Puerto Rico to avoid having it attached to pay off another judgment.

State Supreme Court Justice Harry B. Frank, in making the ruling, attacked the Representative for his "campaign of relentless defiance designed to frustrate and impede" collection of a total of $164,000 Mr. Powell owes a Harlem widow he defamed.

If arrested for civil contempt Mr. Powell might be jailed until he had paid the judgment. However, Mr. Powell has easily avoided arrest in past years because of the constitutional immunity granted all Federal lawmakers against civil arrest.

The Manhattan Democrat owes the money to Mrs. Esther James, a 68-year-old former domestic worker, for having defamed her on a 1960 television program and later transferring his Puerto Rican home so that it could not be seized to pay off the defamation judgment.

Brought New Action

Mr. Powell called Mrs. James a "bag woman," the gamblers' slang to denote the hirelings they use to transmit pay-off money to corrupt policemen.

For the defamation, Mr. Powell owes Mrs. James about $33,000, representing the unpaid judg-

Court Condemns Conduct in Transfer of Home Linked to Defamation Payment

ment, which has been outstanding for about three and a half years.

After Mrs. James failed in scores of attempts to get Mr. Powell to pay the defamation judgment, she filed a new suit charging that he had transferred ownership of his vacation home to his wife's parents.

The Representative ignored this charge and, subsequently, the court held him liable for an illegal transfer. That judgment stands at about $131,000, a figure established by the courts as essentially punitive damages against Mr. Powell.

Early in 1964, Representative Powell was found guilty for civil contempt of court, a finding similar to yesterday's ruling by Justice Frank, for not paying the defamation judgment.

And, in June, 1964, a civil arrest order was issued for him.

Mr. Powell, and all Congressmen, have broad powers of immunity against arrest arising from civil litigation while Congress is in session. In recent years this has been for about 10 months a year.

When Congress is not in session, a Federal legislator can avoid civil arrest by keeping out of the state seeking to arrest him.

Justice Frank, in his decision yesterday, said that if Mr. Powell appeared in court here Friday, he could avoid a second civil arrest warrant being issued against him.

Although Mr. Powell's lawyer could not be reached yesterday, it was considered likely that the Representative would not appear and that a second arrest order would be issued.

Ways to Purge Himself

The only way that Mr. Powell can purge himself from the 1964 arrest order is to pay the $33,000 outstanding on the defamation judgment he owes Mrs. James.

If a second arrest order is issued Friday, Mr. Powell could then only purge himself by paying $164,000—the sum total of the defamation judgment and the judgment on the illegal transfer of his Puerto Rican property.

Late this week, or next week, Mr. Powell is expected to stand trial for criminal contempt of court.

He has already been found guilty of criminal contempt, but the ruling justice held that a jury should determine whether Mr. Powell has deliberately defied the court.

The criminal contempt charge essentially parallels the civil charges Mr. Powell has already been found guilty of except for one essential factor.

Congressional immunity is not afforded Congressmen found guilty of criminal contempt, a crime punishable by a maximum jail sentence of one year.

In his ruling, Justice Frank wrote that "criminal contempt would appear warranted in light of the instant misconduct."

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25 N.Y. Times

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FD-350 (Rev. 7-16-63)

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Ban Open Quiz Of Powell Aid; Precedent Out

Upsetting a 16-year-old court precedent, Supreme Court Justice Abraham J. Gellinoff dropped a legal curtain yesterday over the latest step in Rep. Adam Clayton Powell's tangled affairs.

What was to have taken place was an open examination in the Foley Square court house of the financial relations between Powell and Odell Clark, chief investigator for the House Education and Labor Committee, which Powell heads.

The investigator, a pal and Harlem landlord of the embattled Congressman, is under a subpena by the lawyer for Mrs. Esther James, the Harlem widow who won a defamation judgment against Powell six years ago and has yet to collect on her $164,000 award.

His Attorney Balks

Clark answered the subpena Sept. 27 but his attorney, George D. Covington, balked when he sighted newsmen and appealed to Gellinoff. Covington's argument was that Clark was merely a third-party witness in Powell's defamation litigation and therefore entitled to privacy.

In ruling for Clark, Gellinoff noted that Clark would have had the right to privacy if the examination were held outside the court house. He added:

The open examination rule has been followed here since 1956, when Justice Owen McGivern held, in the Winthrop-Rebo Rockefeller marital case, that the press and public could attend examinations conducted in the court house.

Clark, a $17,500-a-year committee employe, already has testified for his boss. He said that Powell lived in his three-room apartment at 190 W. 136th St. and paid $50 monthly toward the $66 rent.

Clark's quiz yesterday was a preliminary to a Supreme Court hearing Friday.

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16 Ny Daily News

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FD-350 (Rev. 7-16-63)

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POWELL IS ABSENT AS HIS TRIAL OPENS

Congressman's 4 Lawyers Walk Out, Too, After Court Denies Move for Delay

By ROBERT E. TOMASSON

Representative Adam Clayton Powell went on trial in Magistrates here yesterday on charges of criminal contempt of court.

Before the jury had been sworn in, his four lawyers walked out of the courtroom in protest against the proceeding, leaving Mr. Powell without a voice in the trial.

The Manhattan Democrat is charged with "willfully" violating five legal directives to produce all his financial records in the wake of his refusal to pay a $164,000 judgment that he owes a 68-year-old Harlem widow. The Congressman falsely accused her of working for gamblers, a jury found in trial.

[redacted] found guilty in the jury trial that began yesterday in State Supreme Court, Mr. Powell could be sentenced to jail for a maximum of 180 days — 30 days for each of the five orders he is said to have violated.

Delay Is Denied

The jury of nine men and three women was sworn in at 3:10 P.M. yesterday in a second-floor courtroom before Justice Matthew M. Levy. The action came after the four lawyers representing Mr. Powell had sought first to block and then to delay the opening of the trial.

Justice Levy said that he would not delay the trial, but would be willing to accept "any and all" written legal arguments on Mr. Powell's contention that the state court did not have the right to try him.

When Justice Levy refused to delay the trial, one of Mr. Powell's attorney's rose from the counsel table, briefly conferred with his three colleagues, and then told Justice Levy that "under the circumstances we will not be able to participate" in the trial. All four lawyers then left the courtroom, and the trial proceeded.

Thus the Representative virtually relinquished his right to defend himself against the criminal-contempt charges in what his lawyers conceded was a carefully calculated legal gamble.

The $164,000 that Mr. Powell owes Mrs. James, a former domestic worker, stems from a defamation-of-character judgment he lost three and a half years ago. Mr. Powell had described Mrs. James on a television program as "a bag woman," or go-between for gamblers who bribed policemen.

The original jury award to

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Mrs. James was for $211,800. This was later reduced by a higher court to $46,500. Subsequently the judgment rose to $164,000 because of penalties following an illegal transfer of property by Mr. Powell to avoid having the property attached. Six per cent interest is added annually to the unpaid judgment.

Since the jury verdict in 1963, which has been left standing by the United States Supreme Court, the case has been in eight different courts. More than 70 different judges have heard aspects of it, making it what legal observers consider to be the most tortuous defamation case ever tried in American courts.

Mr. Powell's lawyers argued yesterday that the State Supreme Court did not have jurisdiction over either Mr. Powell or over the charges that he was guilty of criminal contempt.

The lawyers emphasized essentially one point. This was that when Raymond Rubin, the lawyer for Mrs. James, first made the motion to punish Mr. Powell for criminal contempt, the papers he submitted to the court did not specify "criminal contempt," only "contempt."

Mr. Rubin, in oral arguments before at least two other justices, added the criminal-contempt charge.

Trial Is Ordered

Henry R. Williams, Mr. Powell's chief counsel, contended that since the charges were not in the original papers, Mr. Rubin had no right to add them orally later.

Last week Mr. Williams took this argument to the Appellate Division in an attempt to prohibit the lower court from holding the trial.

The appeals court refused to stop the trial, adding that if Mr. Powell had any complaints, he would have to make them after the jury had reached its verdict.

Noting this yesterday, Justice Levy said that he had little choice but to proceed with the trial, despite renewed arguments by Mr. Williams that the court should decide the jurisdictional issue before any trial was held.

When Justice Levy said no to this, Mr. Williams asked for assurance that if he and his three colleagues sat in on the selection of the jury and then on the trial, Justice Levy would not deem it prejudicial to their contention that the court had no jurisdiction.

Justice Levy said that he would not rule immediately on any of these questions. In other words, the justice distinctly indicated that if the lawyers participated, it might be interpreted as acceptance by them of the legality of the trial.

While the four lawyers protected themselves on this count, it was at the expense of relinquishing their right to recuti any of the charges against Mr. Powell.

In addition to Mr. Williams, Mr. Powell was represented yesterday by Lawrence R. Bailey, Thomas V. Sinclair and William C. Chance.

After these lawyers had withdrawn from the trial, Mr. Rubin questioned prospective jurors.

Justice Levy excused six prospective jurors after they had said they felt that they could not give an impartial verdict. Five indicated a bias against Mr. Powell and one against Mrs. James.

FD-350 (Rev. 7-16-63)

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Judge Rules Powell Trial Will Continue

By JOSEPH McNAMARA

Supreme Court Justice Matthew M. Levy directed yesterday that a jury be selected to try Rep. Adam Clayton Powell for criminal contempt of court, even though Powell's four attorneys refuse to participate in the trial.

Lawyers for the Harlem Democrat tried to block the trial on the grounds the court lacked jurisdiction.

Powell, 57, is charged with failing to answer subpenas served by Mrs. Esther James, 68-year-old Harlem widow whom Powell called on TV a "bag woman," or graft collector, for corrupt police.

Would Lose Immunity

The subpenas constitute Mrs. James' efforts to collect some $64,000 in defamation awards she won against Powell.

Powell, cited twice for civil contempt, would lose his congressional immunity if found guilty of criminal contempt. A maximum sentence would be 30 days in jail and a $250 fine.

The congressman was not in court yesterday and defense attorney Henry R. Williams said the Negro leader would not come here for the trial.

The jury will determine the extent of willfulness in Powell's alleged criminal contempt, since the 1960 TV incident.

Powell had three lawyers in court during yesterday morning's session, four in the afternoon, before they all walked out.

Attorney Lawrence R. Bailey, one of the four, asked Justice Levy whether participation would affect their claim that the court lacked jurisdiction. Levy said it was up to the lawyers.

"I've made up my mind that the trial should continue," said Levy. After a 5-minute corridor conference, Bailey told the judge the lawyers would not participate.

(Indicate page, name of newspaper, city and state.)

Sat. N.Y. Daily News

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FD-350 (Rev. 7-16-63)

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Powell Trial in Absentia

Rep. Adam Clayton Powell goes on trial for criminal contempt today—in absentia and without representation by counsel.

The trial before an all-white jury of nine men and three women, presided over by Supreme Court Justice Matthew M. Levy, was scheduled to open with remarks by Raymond Rubin, attorney for Mrs. Esther James.

The criminal contempt charge against the Democratic representative is for allegedly disobeying subpoenas to appear for examination with respect to his assets. The examinations were sought by Mrs. James to satisfy the $610,000 defamation judgment against Powell.

Conviction on criminal contempt can carry a sentence of up to 30 days in jail and a $350 fine.

Rubin also contends that a criminal contempt conviction would override Powell's Congressional immunity.

Powell did not appear in court yesterday when the jurors were selected. His four attorneys withdrew from the case, claiming New York Supreme Court did not have jurisdiction to proceed with the case.

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Daily World - Journal Tribune

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62 N.Y. Daily News

'3 Bitter Years' Laid to Powell

Rep. Adam Clayton Powell was accused yesterday of "willful refusal to obey the mandates of the court." The charge was made by Raymond Rubin, attorney for Mrs. Esther James, the Harlem widow who has been trying to collect a $161,000 judgment against Powell for defamation of character.

Powell is on trial before Supreme Court Justice Matthew M. Levy for criminal contempt.

In is opening statements, Rubin outlined five alleged failures of Powell to obey court orders, subpenas or stipulations since September, 1963.

"It has been a bitter pursuit of three years of willful intention not to come to examinations as a judgment debtor," Rubin said.

Yesterday's session was largely devoted to production of 24 court documents over the last three years.

The trial resumes this morning.

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POWELL JURY TOLD OF BIDS TO COLLECT

A lawyer told a State Supreme Court jury yesterday of a "bitter period of three and a half years" spent trying to collect a defamation-of-character judgment Representative Adam Clayton Powell owed a Harlem widow.

The lawyer, Raymond Rubin, opened his case in which his client, Mrs. Esther James, is accusing the Representative of having "willfully" violated five orders directing him to submit to a financial accounting as a debtor.

Mr. Powell owes Mrs. Ja[illegible] $164,000.

On Wednesday, shortly before the jury was sworn in, Mr. Powell's four lawyers declined to mount any defense, asserting the court did not have the authority to try the Manhattan Democrat for criminal contempt of court.

The jury of nine men and three women spent the day listening to a detailed recitation by Mr. Rubin of unsuccessful attempts to get Mr. Powell into court after a jury in April 1963, found he had defamed Mrs. James by telling a television audience she worked for gamblers.

The only witness was Jay L. Tauber, a process server, who recounted more than 30 attempts he made to serve Mr. Powell personally with subpoenas before attaching them to the door of his Harlem apartment and mailing him copies.

Mr. Tauber will continue his testimony this morning.

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14 N.Y. Times.

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...And Still No Powell

The 'phantom' trial of Rep Adam Clayton Powell on criminal contempt charges winds up in Supreme Court today after further reading of documents demanding the Harlem Congressman's appearance in court.

Justice Matthew M. Levy was expected to deliver his charge to the jury of nine men and three women on Monday.

Still missing from the courtroom were Powell, his lawyers and Mrs. Esther James, the widow who won a $184,000 defamation verdict against the Harlem Democrat.

It's calculated gamble, Powell and his four attorneys boycotted the trial on the ground the court has no jurisdiction. He was reported in California.

The criminal contempt charge stems from Powell's alleged attempts to evade payment of the defamation judgment awarded after he branded Mrs. James a "bag woman" for police on a 1960 television program.

Mrs. James' attorney, Raymond Rubin, told the jurors yesterday that Powell "wilfully defied the mandates of the court" and "did everything he could to thwart the judgment."

(Indicate page, name of newspaper, city and state.)

3 Hyattsville Journal Tribune

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POWELL JURY TOLD OF REFUSAL TO PAY

Lawyer Quotes Him on 1963 Judgment for $164,000

By EDITH EVANS ASBURY

Representative Adam Clayton Powell told the lawyer for a Harlem widow who had a $164,000 defamation judgment against him that "I will be old and senile and you will be a senior citizen before you will see a dime of this case," the lawyer testified yesterday.

The testimony was given before a State Supreme Court jury just before the lawyer, Raymond Rubin, rested the latest case brought against Mr. Powell by the widow, Mrs. Esther James.

In this trial, scheduled to resume at 10 o'clock Monday morning before Supreme Court Justice Matthew M. Levy, Mrs. James accuses the Manhattan Democrat of having "wilfully" violated five legal directives to produce all his financial records. The directives followed his refusal to pay the $164,000 judgment.

Verdict Given in 1963

The judgment stems from the April, 1963, verdict of a jury that Mr. Powell defamed Mrs. James by telling a television audience that she worked for gamblers.

The Congressman and his four lawyers have absented themselves from the current trial on the charge of criminal contempt of court, which began Wednesday, saying that the case is not within the court's jurisdiction.

Mr. Rubin took the stand [illegible] as a witness [illegible] Justice Levy informed [illegible] the break [illegible] Mr. Rubin might "refresh [illegible] asking yourself questions and [illegible] proceed in narrative form."

Mr. Rubin protested to [illegible] the jury records of previous [illegible] in the case, which has been in eight different courts, before more than 30 different [illegible] since the 1963 jury verdict.

Case in Another Court

As a matter of fact, another aspect of the case was before another State Supreme Court justice in the same building yesterday.

The Harlem Democratic Congressman had been directed to appear yesterday morning before Supreme Court Justice Harry B. Frank to purge himself of a civil contempt finding with financial statements concerning his ability to pay the bulk of the defamation judgment.

Mr. Rubin reported to the jury that the Mr. Powell had failed to appear and that a default had been noted by the court clerk at 10:32 A.M.

The Congressman's comment about the unlikelihood of any payment before both were quite old was offered as "a bit of advice" during a more-or-less friendly conversation outside the court room last July, Mr. Rubin testified.

Minutes later, Mr. Rubin related, he interrupted the conversation as they reached the bottom of the courthouse steps, to tell Mr. Powell: "I have a surprise for you."

"I then served him with a subpoena requiring him to appear with certain records" the following month, he added.

Man at Powell Office Seized

WASHINGTON, Oct. 7 (AP)—A young man created a disturbance in the office of Representative Powell today, touching off false rumors that an attempt had been made on the Congressman's life.

The man, a Negro, was subdued by armed Capitol policemen. The unidentified man was taken to a District of Columbia hospital for observation as a possible mental case.

Mr. Powell, in his office at the time of the incident said he had never seen the man and did not know what he wanted.

The altercation began when a policeman, who thought the man was behaving in a peculiar manner, followed him to Mr. Powell's outer office and tried to get him to leave.

Shouting and struggling, the man ran into the hall, the policeman [illegible] and the policeman, with drawn gun, cornered him in an adjoining office.

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Powell Issues Blast As Case Nears Jury

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2 Post

Rep. Adam Clayton Powell's contempt of court trial was expected to go to the jury today although still boycotted by Powell and his lawyers.

After denouncing Negro violence in a Sunday sermon at his Abyssinian Baptist Church in Harlem, Powell reiterated through his lawyer that he challenges the state Supreme Court's jurisdiction in his trial and will not participate.

Lawyer Henry Williams told reporters he didn't think his client could get a fair trail from an all-white jury like the one convened under presiding Supreme Court Justice Levy.

From the pulpit, Powell urged his 2,800 parishioners and other Negroes to bid "years and years of rioting" and shout "learn, baby, learn" instead of "burn, baby, burn."

Rejecting the black power concept propounded by SNCC's Stokeley Carmichael — which, suggested Powell, is a call to violence — he redefined black powe as "a constructive approach to the new life . . . for black people in the Great Society" and added that "violence must play no part" in it.

In another development, Dr. James, the Harlem widow to whom Powell owes $164,000.

The contempt charge grew out of Powell's repeated failure to appear for examination of his assets in connection with Mrs. James' attempts to collect. The $164,000 is a defamation of character judgment she won against Powell nearly four years ago after he described her on television as a "bag woman" (graft collector) for [redacted] police.

Martin Luther King said in Atlanta he might head a new civil rights coalition excluding SNCC, CORE and other "Black power groups" — presumably in a bid to stem the "white backlash" against Negr rioting in northern slums.

King said he would decide this week whether the black power bloc and his nonviolent followers "are so diametrically opposed that we can't get together."

Meanwhile, the Powell contempt trial moved toward a climax with only two witnesses —a process servr, who told of his fartile efforts to serve court papers on Powell, and Raymond [redacted]bin, attorney for Mi[redacted]ster

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FD-350 (Rev. 7-16-63)

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Powell's 'Cloak' Slipping

By DAN BRIGHAM
World Journal Tribune Staff

This could be Rep. Adam Clayton Powell's last week of 'unlimited immunity' from civil arrest because of his cloak of Congressional immunity.

His fellow lawmakers in Washington are driving toward adjournment Thursday or Friday so they can go home to campaign for re-election. Powell can then escape arrest in New York State only on Sunday.

And that may be only for awhile.

Another arrest order—on willful contempt—is being held up, pending appeal, by Supreme Court Justice Matthew M. Levy, in whose court a jury last Monday found the Congressman guilty on five counts of criminal contempt.

If the penalty is imposed in that case, Powell may be arrested in New York on any day, including Sunday — and even when Congress is in session.

Powell's latest troubles started yesterday when Supreme Court Justice Wilfred A. Waltemade ordered his arrest for civil contempt "when Congress is in recess," and authorized any sheriff in New York State to pick him up and hold him until a defamation judgment is satisfied.

HOW OWES $164,000

Principal and related judgments in that defamation suit now total $164,000, and if jailed by a sheriff, the Congressman could be held until he'd paid every cent of it—plus six per cent interest a year on unpaid balances.

The original conviction and the judgment stems from a suit brought by Hon. Esther James, a 70-year-old retired teacher. Powell was found guilty of calling [illegible] corrupt policemen in a 1960 television program.

Justice Waltemade's order directed sheriffs to detain Powell on sight and confine him until the judgment was satisfied. It was the second such directive in two years.

The lawmaker's seizure was directed in 1964 by Justice Thomas Chimera, when Powell was held in contempt for failure to answer a subpoena directing his appearance for examination of assets in order to pay Mrs. James' original $46,-000 judgment.

Signing the order yesterday, Justice Waltemade commented that "American justice is dependent on the equal application of the law and its observance by persons in every echelon of our society . . . Justice proceeds slowly and will not be denied."

ESCAPED ARREST

Powell has escaped arrest when Congress wasn't in session, by frequent official traveling which he said was connected with his work as chairman of the House Education and Labor Committee, or by residing at his home in Puerto Rico.

The House committee recently, however, curtailed his official duties and lifted his airlines credit card pending "reassessment" of its use.

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World Journal Tribune

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2D ARREST ORDER ON POWELL ISSUED

But Representative Is Safe While Congress Sits

By ROBERT E. TOMASSON

A second order for the arrest of Representative Adam Clayton Powell as a debtor was issued yesterday but, like the first one, it cannot be carried out while Congress is in session.

The Harlem Democrat owes Mrs. Esther James, a 68-year-old widow and former domestic worker, a total of $164,000 for having defamed her on a 1960 television program by saying she worked for gamblers and for later having transferred ownership of his home in Puerto Rico to avoid having it attached.

In June, 1964, the first arrest order was issued for Mr. Powell for his failure to either pay the defamation judgment, which now stands at $33,000, or to answer a court summons to explain why he could not.

Yesterday's order, which was signed by State Supreme Court Justice Wilfred A. Waltemade, is for Mr. Powell's refusal either to pay the $131,000 he owes Mrs. James for transferring his home after a jury found him guilty of having defamed her or to come into court and explain his conduct.

Mr. Powell has easily evaded the June, 1964, arrest order because of his Congressional immunity and also because of the peculiar nature of civil arrests that apply to all citizens.

Section 6 of Article I of the Constitution states that all Representatives and Senators "shall in all cases, except treason, felony and breach of the peace be privileged from arrest" while Congress is in session.

Protected Most of Year

This provision was written into the Constitution because of the fear of the founding fathers that without such immunity, the nation's lawmakers might be hounded and jailed by creditors to the detriment of the Congressman's constituents.

Thus, with Congress in session almost 10 months of the year, Mr. Powell has had no fear of arrest for most of the year. The present session is expected to end in a week or two.

Civil arrests are made by the Sheriff's Office. But they generally make no arrests on Sunday or at night. Even with Congress not in session, Mr. Powell is not subject to arrest on Sunday, which has allowed him to preach at Harlem's Abyssinian Baptist Church, of which he is pastor.

If Mr. Powell were arrested in the state any day but Sunday when Congress was not in session, he could be jailed until he paid the entire $164,000. Six per cent interest is added annually to the unpaid balance.

Mr. Powell faces a far more serious threat following a unanimous jury verdict Monday that his conduct in defying five court orders calling for his appearance was "willful."

The jury's verdict meant that Mr. Powell's violations are now

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14 N.Y. Times

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Bid Court Bar Win of 'Alien' Adam

Rep. Adam Clayton Powell [illegible] Harlem residents question[illegible]

A move to bar Rep. Adam Clayton Powell from winning reelection next Tuesday was opened yesterday in Manhattan Supreme Court.

Two lawyers petitioned Justice Thomas Chimera to order the Board of Elections to refuse to certify Powell's certain victory to the New York Secretary of State on the ground that he does not live in Harlem.

The petition was filed for Lassen L. Walsh, Powell's Republican opponent in the 18th CD, by Norman C. Harlowe, the GOP opponent of Rep. William F. Ryan in the 20th CD, and Raymond Rubin.

Attorney for Widow

An old hand as an adversary of Powell, Rubin also is the attorney for Mrs. Esther James in her [illegible] try to collect $164,[illegible] [illegible] against Powell [illegible] for a 1958 T[illegible] [illegible] or [illegible] collector, [illegible] corrupt pops.

Rubin [illegible] yesterday that, although he had spent time and money on private detectives to find Powell's New York home, he had found, instead, that the Congressman does not have one.

Sacked Out on Couch

The one night during the past year and a half that Powell actually did stay in New York, Rubin said, he bedded down on a couch at 120 W. 126th St.

"I have been informed that Mr. Powell spends most of his time, when he is not either in Washington or on some trip, in a home in Bimini, in the Bahamas, or on his boat," Walsh noted in the petition. [illegible] reserved decision.

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FD-350 (Rev. 7-16-63)

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Absent Powell Is Making Presence Felt in Legal Way

By JOSEPH J. COHEN
and LARRY VAN GELDER

Rep. Adam Clayton Powell Jr., the uncommon lawmaker, is making some common law.

Although absenteeism among legislators gives frequent cause for complaint, Powell's absenteeism in his running court battle with Mrs. Esther James is building a record of legal accomplishment.

The Democratic congressman is scheduled for two court appearances this week. He is not expected to keep the dates, but the body of precedent that is the common law on contempt in the State of New York will continue to grow as it has grown because of his previous failure to appear.

Already Powell's efforts to thwart Mrs. James, a Harlem widow, in her quest to collect a $184,000 defamation judgment from him have resulted in expansion and clarification of the law.

Most courts are familiar with contempt proceedings growing out of a witness's refusal to answer questions before a grand jury. But they have little experience with contempt in a case where a defendant manifests reluctance to honor a judgment.

CIVIL CONTEMPT

Powell has already been cited on three occasions for civil contempt for his refusal to submit to an examination of his assets by Raymond Rubin, Mrs. James' attorney. An appeal from one of the citations led the Appellate Division to break new legal ground in the state by holding that only civil contempt may arise from a civil case.

In the same opinion, the court ordered Powell to appear in court to purge himself of contempt on Thursday or face a $250 fine and a 30 day term in jail.

Late today, Powell's lawyer, Henry Williams, will appear before Court of Appeals Judge Stanley Fuld in his offices in the city to ask for a stay pending an appeal to the full Court of Appeals.

More legal trials in the law of contempt may be blazed as a result of Powell's other scheduled court appearance this week, on Friday.

On that day, Supreme Court Justice Matthew M. Levy is expected to affix a [illegible]

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ADAM CLAYTON POWELL

fict that Powell was guilty of wilful disobedience for failure to obey lawyers' subpoenas and court orders to appear for examination of his assets. If he affirms the verdict, Levy could hold Powell in criminal contempt, and can sentence the Congressman.

HEARING FRIDAY

But what of the Appellate Division ruling that only civil contempt arises from a civil case? Powell's is a civil case.

Levy, aware of the ruling, has asked the opposing counsel to prepare arguments on the question of criminal contempt arising from a civil case, and will hear them on Friday. Thus the law continues building and the body of legal knowledge expands.

If mere precedent itself did not make unlikely Powell's appearance for his court dates Thursday and Friday, the first two civil contempt citations against him might. Under them, he can be arrested by the sheriff and incarcerated until he pays the $164,000 judgment.

Payment of some judgments may be escaped by a declaration and finding of bankruptcy. But a judgment for defamation cannot be wiped out in this way. It stands until paid.

Ironically, Mrs. James' attorney says the case could have been settled out of court for $10,000 and an apology after Powell called her a "bag woman" or graft collector during a 1960 television program. The attorney indicated the apology was the stumbling block.

So far, he estimated, it has cost $40,000 in the attempt to collect the original judgment of $46,000 that has snowballed—through penalties and interest—to $164,000.

But while the judgment snowballs, so does the body of legal knowledge in the law of contempt.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Powell Faces A Week-Long Siege in Court

By WILLIAM GRAVES and JERRY TALLER

It's going to be a busy week in court here, starting today, for Rep. Adam Clayton Powell Jr.—who is not expected to be among those present.

This afternoon Powell's attorney, Henry R. Williams, goes before Judge Fuld of the Court of Appeals to ask for a stay of last week's 4-1-to-1 Appellate Division finding of Civil contempt against the Congressman.

While sentencing Powell to 30 days and $250, the Appellate Division had given him until TThursday to purge himself of civil contempt by appearing here for an examination on payment of a $164,000 libel judgment to Mrs. Esther James, a 68-year-old Harlem widow whom Powel accused of being a "bagwoman" for corrupt police.

Hearing on Powell's

Meanwhile, also today, Supreme Court Justice Chimera will be hearing arguments on whether or not Odell Clark, chief investigator of Powell's House Education and Labor Committee, should answer some of the questions about Powell's finances put to Clark last Saturday by Raymond Rubin, attorney for Mrs. James.

The questioning, it was learned today, took place at Rubin's office, 291 Broadway. Three weeks ago Supreme Court Justice Gellinoff had ruled reporters could not be present at an examination of Clark in a hearing room adjacent to the Foley Square courtroom.

Criminal Contempt Hearing

And this Friday, yet another Supreme Court judge—Justice Levy—will hold hearing on the Oct. 10 jury verdict of "willful" criminal contempt against Powell on his failure to answer a series of directives calling for his appearance here on the same matter.

Under the civil contempt ruling, Powell cannot be arrested while Congress is in session, or outside the State of New York, or on Sunday.

Under the criminal contempt ruling—if the jury verdict is supported by Justice Levy—Powell can be arrested on Sundays and outside the state, though not outside the U. S.

Congress has now adjourned.

Powell is believed to be in Bimini on vacation. Bimini is in the Bahamas, which are British.

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FD-350 (Rev. 7-16-63)

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POWELL RECEIVES 30-DAY SENTENCE

Punishment Is for Criminal Contempt—Little Chance Seen for Enforcement

By ROBERT E. TOMASSON

Representative Adam Clayton Powell was sentenced to 30 days in jail and fined $500 yesterday for criminal contempt of court for breaking two pledges to appear in court in a $164,000 judgment he owes.

Legal experts said they did not believe Mr. Powell could be arrested outside the state, to force him to begin serving the term. The effect of the sentencing, they said, would be to keep Mr. Powell out of New York at all times, including Sundays.

State Supreme Court Justice Matthew M. Levy sentenced the Manhattan Democrat, who is running for a 12th Congressional term in Tuesday's election, to two 30-day terms for refusing to honor two personally signed pledges. However, he ordered the sentences to run concurrently.

Justice Levy indicated that he planned to sign the sentencing order next week. Mr. Powell's three lawyers, who appeared in court yesterday, said that they would file an appeal to the Appellate Division at that time.

Mr. Powell did previously [illegible] contempt for refusing [illegible] to pay the $164,000 judgment [illegible] Supreme Court [illegible] to pay [illegible] to [illegible] any [illegible]

orders, for civil contempt, each of which carried a maximum jail sentence of six months, has been to keep Mr. Powell out of the state while Congress is not in session, at which time he does not have congressional immunity against civil arrest. However, he had been able to come to New York on Sundays.

A Review of Case

For more than an hour, Justice Levy listened to arguments by Raymond Rubin, the attorney for Mrs. Esthar James, and Henry R. Williams, chief counsel to the Representative.

When they were through, the justice reviewed 10 opinions that had been rendered by his colleagues and Appellate Division justices describing Mr. Powell's conduct in the case. It was started more than six years ago. The opinion cited Mr. Powell for "monstrous defiance of the law," "abuse of legal procedures," "promoting a tragic disrespect of the judiciary as a whole," and "blatant cynicism."

Then, pausing for a glass of water, Justice Levy looked at the six lawyers before him and expressed what some legal observers have held to be an underlying theme in the prolonged litigation.

"It is not an easy task," Justice Levy said, "to punish a minister, a congressman, a leader of men, a man of many natural gifts."

Mr. Powell could not be reached for comment.

Probably the most immediate effect of Justice Levy's decision will be to keep Mr. Powell from preaching at the Abyssinian Baptist Church in Harlem, one of the nation's largest Protestant churches, of which he is minister.

And the two previous arrest orders will force him to vote by absentee ballot Tuesday, since he now has no immunity with Congress adjourned.

The attempt to punish Mr. Powell for criminal contempt has been under consideration by the court for 10 months. It has involved at least six hearings before justices and a three-day jury trial. [illegible]

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N.Y. Times

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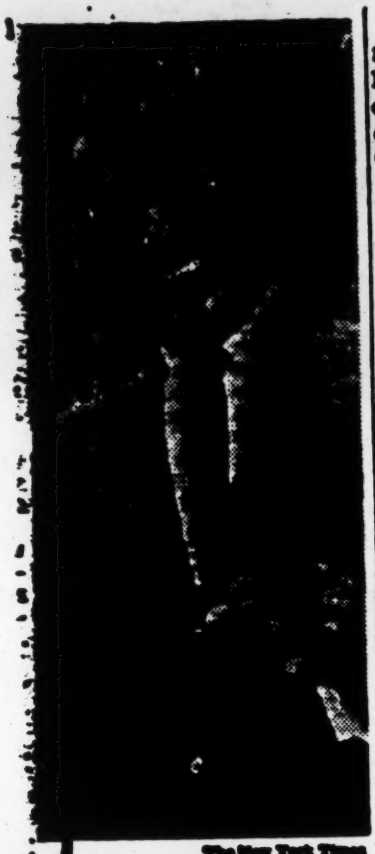

The New York Times

Adam Clayton Powell

Mr. Powell was guilty of criminal contempt for violating five legal orders starting in September, 1963. They were issued to compel Mr. Powell to either pay the judgment or appear for a financial examination.

Last August Irving H. Saypol held that there was prima facie evidence that Mr. Powell was guilty of criminal contempt on all five counts, but ordered a jury trial to determine whether the contempt was "willful."

On Oct. 16, a jury unanimously found the contempt willful after a three day trial held before Justice Levy.

Before passing sentence yesterday, Justice Levy dismissed three of the charges and upheld the other two.

The three charges that were dismissed were based essentially on a decision handed down after the jury verdict by the [illegible] Division.

The appellate court, in a 4-1 ruling on Oct. 25, held that Mr. Powell could not be held in criminal contempt for failure to obey a subpoena issued in a civil proceeding.

The three charges that were dismissed related to subpoenas.

The two remaining charges dealt with court orders which were issued by judges and not by Mr. Rubin, as had the subpoenas.

The two court orders called on Mr. Powell to appear in court on May 1, 1964, and on November 24, 1965.

They were issued after the Representative signed two stipulations promising to appear if he lost pending appeals on the judgment. He lost, but still failed to keep the dates.

Justice Levy took the position that Mr. Powell, by violating the two orders, had committed an affront to the court itself, not to either Mrs. James or her lawyer. Civil contempt generally implies an injury done by one private party to another in a law suit. It was on this bases that the two arrest orders were issued.

"The average person may assume," Justice Levy said, "that he can do the same and that there is discrimination by the courts against the less powerful."

"He should be a man to look up to, to respect," the Justice said of the absent Representative.

The civil aspects of the case have been exhausted by Mr. Rubin.

The most severe punishment the state courts can hand down on civil contempt is to issue an arrest order. This was first done in June, 1964 and again last August.

However, Mr. Powell has been able to come into the state when Congress was sitting because of congressional immunity granted all congressmen under the United States Constitution. And he has also been able to come here on any Sunday because of the practice of not executing civil capias on Sunday.

Conviction for criminal contempt, although technically not a crime, is of a quasi-criminal nature, according to lawyers, and therefore Mr. Powell would have no immunity if apprehended in the state.

The Constitution states that Senators and Representatives are immune from arrest while Congress is in session except for prosecution for treason, a felony or breach of the peace.

The definitive ruling on breach of the peace, lawyers say, is contained in a 1906 ruling by the United States Supreme Court (Williamson v. the United States). It held that "all criminal offenses" constitute breach of the peace.

John N. Williamson, a Representative from Oregon was arrested in a perjury case and sent to jail for 18 months while Congress was in session after it was ruled that he had no immunity.

Mr. Powell was found guilty of defamation of character by a jury in April 1963 for having called Mrs. James a "bag woman" for the police—someone who collects bribes from gamblers.

The verdict was for $211,500. This was subsequently reduced to $46,500. But it grew to $164,000 because of fines after Mr. Powell was found guilty of illegally transferring his home in Puerto Rico to his wife's relatives to avoid having it attached to pay off the defamation judgment.

(Mount Clipping in Space Below)

Powell Gets Another 30 Days

By WILLIAM TRAVERS

Rep. Adam Clayton Powell, found guilty Oct. 10 on five counts of criminal contempt, was sentenced yesterday by Supreme Court Justice Matthew M. Levy on two of the counts. The three other counts were dismissed.

The controversial legislator was fined a total of $500 and sentenced to 30 days on each of the two counts. The jail terms, however, will run concurrently.

The sentence follows an Appellate Division sentence on Oct. 25 of 30 days in jail and a $250 fine for civil contempt growing out of the same case.

Cannot Be Extradited

Powell, as is his custom, was not in court yesterday. He was represented by five lawyers.

In dismissing the other counts, the judge noted that the Appellate Division had ruled that these were punishable only for civil contempt.

A spokesman for the district attorney's office said Powell, whose present whereabouts could not be learned yesterday, cannot be extradited here to face his punishment. The spokesman also said Powell does not lose his Congressional immunity because of the conviction.

He added that the DA's office is now studying further evidence for possible presentation to the grand jury—an action which may result in additional charges.

In Washington, a Powell spokesman said the Congressman was "out of town" and would have no immediate comment on the sentence. The spokesman added that Powell was not out of the country.

Levy directed that the order incorporating punishment should be submitted to him after Election Day.

Powell was found guilty of wilful contempt by a Supreme Court jury on Oct. 10 for his failure to appear in court on five occasions in connection with a $185,000 defamation judgment obtained against him by Mrs. Esther James, a Harlem widow. Sentence was postponed until yesterday.

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FD-350 (Rev. 7-18-63)

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Powell Says He Has Data Against Fla. Legislator

Harlem Rep. Adam Clayton Powell claims he has a 40-page memorandum containing information detrimental to a "Florida cracker" legislator who is purportedly mounting a drive to deny him a seat in Congress.

"I've got some things on him," Powell told his congregation at Abyssinian Baptist church in Harlem yesterday. "Just look for my sense of timing."

The reference apparently was to Rep. Sam M. Gibbons (D-Fla.), who led a fight earlier this year to strip Powell of his powers as chairman of the House Education and Labor Committee.

But Powell wouldn't say if he had Gibbons in mind. "All I said was Florida. There are 11 Congressmen from Florida and two Senators," he said.

Gibbons denied that he was behind any move to block the seating of Powell, who received 74.1 per cent of the vote in his district last week.

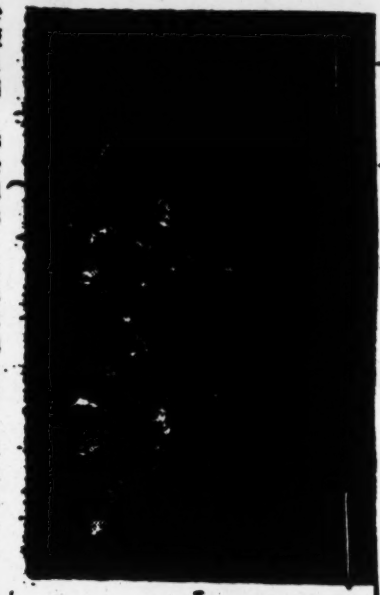
"I haven't started any such move," he said. "I've been right here in Tampa for the past three weeks and haven't talked to another member of Congress. But it sounds like a good idea."

As for the memorandum, Gibbons said: "I don't know what he's talking about. If he's got things on me let him put them right out. I think he's just talking. But if he wants to start a fight I'm ready to fight."

Powell returned to the Abyssinian Baptist church yesterday for its 135th anniversary and his 35th year as pastor.

An order for his arrest on criminal contempt growing out of his conviction for the slander of Mrs. Esther James, a Harlem widow he called a "big woman" for police, won't be signed until Nov. 22 when the case will be litigated before the Appellate Division.

Powell said he would preach at the church again next Sunday—"The Lord willing and the judges not preventing."



(Courtesy Times Photo)

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FD-350 (Rev. 7-16-62)

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Judge Asked to Speed Order to Arrest Powell

By CY EGAN
World Journal Tribune Staff

Supreme Court Justice Matthew M. Levy was asked today to sign a court order making Rep. Adam Clayton Powell liable to arrest here at any time after the Harlem Congressman slipped into the city yesterday for an anniversary celebration at his church.

The request was made by Raymond Rubin, attorney for Harlem widow Esther James, 66, who is still trying to collect a $164,000 defamation award stemming from Powell's branding her a "bag woman" for grafting policemen.

Powell was able to escape jail on his visit here yesterday because a court order issued on Nov. 4 for his arrest on a criminal contempt charge is as yet unsigned. It calls for a 30-day jail sentence and a $500 fine.

An appeal by Powell's lawyers to restrain Justice Levy from signing the order is set for argument before the Appellate Division on Nov. 22, but Rubin said signing of the order now would make the appeal useless.

The effect of the order, issued after Powell's failure to appear in court in connection with payment of the defamation award, would be to prohibit the Harlem Democrat's arrest at any time if he appears in New York.

United Press International Photo
ADAM CLAYTON POWELL DURING SERMON . . .

Heretofore, he has been immune from arrest on two previous civil contempt charges issued against him as long as Congress was in session and he confined his visits to New York to Sundays.

Powell used what well may be his last visit to the city for a long time to denounce the recent campaign to curb his powers as head of the powerful House Education and Labor Committee and block his seating in Congress.

The occasion was the celebration of his own 30th anniversary as pastor and the 130th anniversary of the

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Associated Press Photo

... AND SPEAKING TO REPORTERS FOLLOWING THE SERVICE

Abyssinian Baptist Church, 132 W. 138th St.

Triumphant in his recent reelection to Congress with 74.1 per cent of the vote, Powell told his congregation: "A Florida cracker says he's going to strip a black man of his power in the Congress of the United States. Don't worry. I've got some things on him. Just look for my sense of timing."

The comments appeared to refer to Rep. Sam M. Gibbons, D., Fla., who led the drive to curb Powell's powers, but the minister told newsmen after the service:

"All I said was Florida. There are 11 Congressmen from Florida . . . and two Senators . . . that's 13 men in all"

Reached later in Tampa, Gibbons said he was not behind any move to block Powell's seating in Congress, but added: "It sounds like a good idea."

FD-350 (Rev. 7-16-63)

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Judge Signing Powell Writ

Supreme Court Justice Levy is expected to put an end today to Adam Clayton Powell's Sunday excursions to New York.

The judge will probably sign an order that will say specifically that the Harlem Congressman just re-elected to his 12th term, may be arrested any time he steps into the state, including Sunday.

It's likely effect, however, will be the absence of Powell from the pulpit of the Abyssinian Baptist Church in Harlem.

If the sheriff ever finds Powell in the city or anywhere in the State, the legislator faces 30 days in jail and a $500 fine on his conviction for criminal contempt, the latest chapter in a three-year fight to escape paying a $164,000 slander judgment to Harlem widow, Mrs. Esther James, 68.

Until now, Powell has been able to visit here and stay out of jail, despite two civil contempt convictions, because he has immunity from arrest while Congress is sitting and because no one can be arrested here on a civil complaint on Sunday.

He lost both advantages last month when a jury convicted him of criminal contempt.

On the other hand, Powell is still safe in Washington or anyplace else outside the state unless the court begins to press for extradition, a move that would have to be initiated through District Attorney Hogan and referred finally to the Governor.

Judge Levy delayed signing an arrest order until the election was over. Powell attended neither his trial nor his sentencing.

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Order Powell: Give Up To Sheriff Wednesday

By ALFRED ALBELLI and JOSEPH McNAMARA

Rep. Adam Clayton Powell was ordered yesterday to surrender to the sheriff next Wednesday to begin serving a 30-day jail term for criminal contempt growing out of evasive tactics to avoid payment of a $164,000 defamation award.

Supreme Court Justice Matthew M. Levy signed the papers. The sentence was imposed on the Harlem Democrat after he was convicted by a jury Oct. 10. Powell was also fined $500.

However, Powell's appeal of his conviction comes up in the Appellate Division Tuesday, the day before he is slated to surrender.

Neither Powell nor his attorneys was present when the jury found him guilty, his lawyers having walked out at the start of the trial.

Asked about the new order yesterday, Henry R. Williams, attorney for Powell, said, "The matter is before the Appellate Division. I don't think the order will stand up on appeal."

"Willful Disobedience"

Levy's signing of the sentence order came one day after Supreme Court Justice William Lyman, in a separate action, directed Powell to appear Dec. 9 to show cause why he should not be punished for both criminal and civil contempt.

All of Powell's troubles with the law stem from his having called Mrs. Esther James, 68 year-old Harlem widow, a bag woman for corrupt cops while he was on a TV show in 1962.

Levy's sentence yesterday was for Powell's "willful disobedience to the mandate of this court, the willful failure to appear for examination on May 1, 1964, and on Nov. 24, 1965."

The court had ordered him to appear for financial examination by Mrs. James' attorney, Raymond Rubin.

Said Levy: "It is decreed that

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Adam Clayton Powell
Judge signs the papers

Adam Clayton Powell, by reason of and in punishment for such criminal contempt, be committed to the custody of the City of New York at the Civil Jail for a period of 30 days."

The justice ruled further that should Powell fail to pay the fine, he be jailed for another 30 days, unless he pays during that period.

Service of the order may be made on Powell personally or by registered mail, Levy said. If by mail, it is to be made to [illegible] the Bahamas.

his residence here, his office in Washington or "his abode in Bimini, Bahamas."

Should Powell fail to show Wednesday, and assuming the Appellate Division doesn't rule in his favor, Rubin can make application for the Congressman's arrest, Levy stated.

Such an arrest order would presumably state the ground rules under which an arrest could be made. Previously, Powell has been immune to arrest for civil contempt on Sundays or when Congress was in session. He has thus preached at the Abyssinian Baptist Church in Harlem, of which he is pastor.

Powell was unavailable for comment yesterday. He was reportedly aboard his yacht, Adam's Folly, in the Caribbean

FD-350 (Rev. 7-16-63)

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JAILING OF POWELL IS ORDERED AGAIN

But He Is Expected to Evade Writ, the Fourth Issued, by Staying Out of State

By ROBERT E. TOMASSON

The State Supreme Court yesterday ordered Representative Adam Clayton Powell jailed for 30 days, starting Wednesday, for criminal contempt of court.

It was considered certain, however, that the Harlem Democrat, who was overwhelmingly re-elected to a 12th term in Congress last week, would evade arrest by staying out of New York.

Justice Matthew M. Levy sentenced the Congressman for having violated two court orders that directed him to appear personally in court to account for his refusal to pay a $164,000 judgment. Mr. Powell owes the money to a Harlem widow he was found to have defrauded.

Conduct Under Study

Yesterday's arrest order was the fourth jail sentence imposed on Mr. Powell.

Although the new order posed the most serious threat to Mr. Powell—the first three were for civil contempt—legal observers were convinced that he could successfully apply to Justice Levy's order the same tactics he has used to evade the earlier jail sentence.

These observers hold that none of the orders has any power outside the state. Thus, by keeping out of New York, Mr. Powell can refuse to pay the $164,000 he owes the widow, Mrs. Esther James—or give any accounting for not doing so—and also evade arrest.

It was learned yesterday that the office of District Attorney Frank S. Hogan was investigating Mr. Powell's conduct in the case. The significance of this is that if Mr. Hogan should decide to prosecute Mr. Powell for defying court orders, the Congressman, if found guilty, could be arrested anywhere in the United States.

Justice Levy deliberately delayed execution of his order until Wednesday because on Tuesday, the Appellate Division

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will consider an application by Henry R. Williams, Mr. Powell's lawyer, for a writ prohibiting the Supreme Court from punishing Mr. Powell for criminal contempt.

If the Appellate Division grants the writ, it will nullify Justice Levy's arrest order. But even if the court sustains yesterday's order, Mr. Powell is not expected to surrender to serve the sentence, which also carries a $500 fine.

This expectation is based on the assumption that there would be little logic in Mr. Powell's surrendering to serve a 30-day sentence when he has successfully evaded the three other sentences, which, together, carry a maximum jail term of a year and 30 days. Thus, if Mr. Powell surrenders under Justice Levy's order, he could be jailed for a year and 60 days.

Yesterday's order marked a dramatic climax in Mrs. James's efforts to collect the $164,000 judgment, according to legal sources. Having Mr. Powell found guilty of criminal contempt and sentenced to jail is the final legal means she can pursue to collect the money.

Raymond Rubin, Mrs. James's lawyer, still has several other motions pending in the state court. But if they are sustained, observers say, they can lead only to additional arrest orders, like the four already issued, which, like the four already issued, cannot be enforced outside the state.

For example, Mr. Rubin has a motion pending for an order directing Mr. Powell to pay a specified sum each week to meet the judgment.

If the court decides on a weekly sum, an order will be issued. Assuming Mr. Powell refused to pay, he could again be held in contempt and, ultimately, another arrest order would be issued.

If District Attorney Hogan does not act against Mr. Powell, Mrs. James will never

The New York Times Studio

Justice Matthew M. Levy, who issued the arrest order.

the money awarded to her, legal sources said.

The distinction between action by the District Attorney and steps taken by the state courts thus far in the case is the difference between criminal and civil cases.

Civil litigation generally involves disputes between individuals, such as in marital cases or in many types of business disputes. And while the wrongdoer may be jailed, as a husband who fails to provide support for his family or a person who refuses to honor a financial contract, the affront is to an individual, not to society.

All of the litigation in the Powell case so far is in the civil domain, starting with what a jury found to be the Representative's unfounded characterization of Mrs. James as a graft collector and proceeding through her efforts to obtain the damage the court awarded her.

In other words, the dispute is between Mr. Powell and Mrs. James, and no one else.

However, Mr. Hogan's investigation concerns the question

of whether Mr. Powell's refusal to honor both verbal and written promises he has given to judges constitutes a crime committed against society.

Although Mr. Powell has been found guilty of criminal contempt, for which he was sentenced yesterday, his violations are in the civil domain.

There are three types of contempt of court.

First, there is civil contempt, for which the first arrest order was issued against Mr. Powell in June, 1964. Because of his Congressional immunity, the order cannot be executed while Congress is in session or on any Sunday, which has given Mr. Powell wide latitude in coming into New York.

Secondly, there is criminal contempt. Last month, a jury found Mr. Powell guilty of this charge for "willfully" violating two court orders to appear for a financial examination. The purpose of the examination would be to force Mr. Powell to disclose all of his assets, making them available to be seized to meet the judgment.

Both of these contempts are governed by the Judiciary Law, a civil statute. Some legal observers felt that the only significance in the criminal contempt charge, as it relates to Mr. Powell, would be to keep him out of the state on Sundays. Other lawyers disagreed. And the Sheriff's office, which would execute the arrest orders, refused to clarify the issue yesterday.

The third contempt is the "crime of criminal contempt," which comes under the Penal Law. It is this statute that Mr. Hogan is understood to be considering.

FD-350 (Rev. 7-16-63)

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Order Is Unsigned For Powell Arrest

An order calling for the arrest of Rep. Adam Clayton Powell on a criminal contempt charge is still hanging fire today.

Supreme Court Justice Matthew M. Levy failed to sign the order as expected yesterday, and refused an immediate explanation of his action.

The order when signed will make the controversial Harlem congressman liable to arrest in New York even on Sundays and when Congress is in session.

He has previously been ducking arrest on a civil charge of contempt by visiting the city only on Sundays or during congressional sessions when he is cloaked with congressional immunity.

The new order directs that Powell be jailed for 30 days and fined $500, but court observers say it is doubtful whether the congressman could be arrested outside New York and extradited here.

Powell's attorneys already plan to appeal the order, expected to sign on the grounds that no criminal contempt can stem from a civil proceedings.

The move to arrest the Harlem Democrat results from his failure to pay or submit to a financial examination in connection with a $164,000 defamation judgment against him.

The award was won over three years ago by Mrs. Esther James, 66, a Harlem widow who accused Powell of calling her a "bag woman," or graft collector for police, during a television interview.

Raymond Rubin, attorney for Mrs. James, said he will ask the district attorney's office to extradite Powell if the Congressman is not arrested soon.

But a spokesman for the district attorney said it is "very doubtful" Powell can be extradited.

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POWELL ELECTION FACES COURT TEST

U.S. Judge Sets Hearing on Charge He Is Not Legal Inhabitant of State

By ROBERT E. TOMASSON

A judge in Federal Court here yesterday ordered a hearing next Tuesday to determine whether Representative Adam Clayton Powell should be barred from retaining his seat in Congress despite his decisive re-election last week.

Judge Thomas F. Croake set the hearing to consider a charge made by Lansen L. Walsh, the Republican candidate who was defeated, 44,991 to 10,837, in Mr. Powell's bid for a 12th term, that the Congressman was not a bona fide inhabitant of New York.

The suit contends that the last time the Manhattan Democrat slept in his $96-a-month apartment here, which he shares with a couple, was about a year and a half ago.

Before Judge Croake set the hearing, he was told by a lawyer for the Board of Elections that the board would not certify Mr. Powell as the winner until the issue had been resolved. Mr. Walsh's suit was filed against the board to prevent the certification of Mr. Powell's election.

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Four Orders Evaded

Counsel for Mr. Walsh is Raymond Rubin, who also represents Mrs. Esther James, a 68-year-old Harlem widow whom Mr. Powell owes a $164,000 judgment arising from a defamation-of-character suit in the state courts.

On Thursday, State Supreme Court Justice Matthew M. Levy issued the fourth jail term imposed by the court on Mr. Powell for his repeated violations of court orders to account for his refusal to acknowledge the debt.

Mr. Powell has avoided all of the arrest orders by staying out of the state while Congress is not in session, when his constitutional immunity from arrest in civil cases does not apply. The arrest orders also cannot be served on Sundays.

The state courts have, according to legal observers, exhausted all their powers to force Mr. Powell to pay the $164,000 judgment to Mrs. James on the legal motions that she has instituted. All that the state courts can do, it is said, is to issue additional arrest orders, which, like the first four, have no power outside the state.

Mr. Rubin, acting in behalf of Mr. Walsh, who has been in Beekman Downtown Hospital since Oct. 5 with a heart condition, charged in the Federal

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suit that Mr. Powell could not rightfully be elected a legislator from New York because he was not an inhabitant of the state.

The lawyer based his contention essentially on Article I, Section 2, of the United States Constitution, which says: "No person shall be a Representative who shall not have attained to the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen."

Mr. Rubin argued, in papers submitted to Judge Croake, that three Federal cases, all decided in the late 1800's, sharply defined the concept of inhabitancy in a far more restricted sense that do New York state laws.

According to Mr. Rubin, these cases have defined a habitation as "a place you go home to at night, where your wife and children are living."

State laws governing qualifications of elected officials pertaining to residency requirements have generally been loosely construed.

For example, some New York judges have their homes outside the district from which they were elected and in which they vote. Their official residences are usually little more than small apartments where they spend only an occasional night.

But Mr. Rubin contends that while Mr. Powell has a residence in Harlem, he is not an inhabitant in the sense defined in the [illegible] being represented in the House of Representatives by a legislator whose election violates the Constitution.

Tuesday's hearing in the case will be held before Judge Dudley B. Bonsal. If he orders a trial, it is expected that the court will then define the minimum requirements that a candidate for Federal office must meet to qualify as "an inhabitant of that State in which he shall be chosen."

Many Representatives and Senators now spend little time in their home states because of the increasing demands on their time in Washinton.

Mr. Powell's residence is a three-room, fifth-floor apartment at 120 West 138th Street.

It is also the residence of Mr. and Mrs. Odell Clark. Mr. Clark is the chief investigator for the House Education and Labor Committee, of which Mr. Powell is chairman.

Mr. Clark, who makes $18,000 a year, had testified in the defamation case in the state court, that he paid $16 a month rent for the apartment, and Mr. Powell the remaining $50.

The investigator said the last time he remembered Mr. Powell having slept in the apartment was about a year and a half ago, and that he had slept on a living-room couch. He also said that Mrs. Powell and their son rarely, if ever, slept there.

Yesterday's order for the hearing on the inhabitancy question was the sixth attempt, and the first successful one, that Mr. Rubin has made since 1964 to get a court hearing on the matter.

After Mr. Powell was re-elected in 1964, Mr. Rubin asked the Federal court to disqualify him. The court held at that time that the suit had been started too late, since the Board of Elections had already certified Mr. Powell as the winner.

The four other unsuccessful attempts were made in the State Supreme Court, the Appelate Division. Two of the suits were filed before the last election and two after. However, the courts held that state laws were not applicable, and that Mr. Rubin was not entitled to a hearing.

If Mr. Rubin succeeds in preventing the certification, Mr. Powell will lose his Congressional immunity against civil arrest in the James case, in which he was held to have defamed her by saying on a television program that she was a "bag woman for the Police Department" who collected bribes from gamblers to pay off corrupt policemen.

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Powell's Day In Court

CLAYTON FRITCHEY

Washington.

This is supposed to be the day of reckoning for Rep. Adam Clayton Powell (D.N. Y.) but that's an old story for this Congressman who has proved for some years now that he is, for all practical purposes, above the law.

He has survived so many other days of judgment that he is not likely to be fazed by one more. In fact, there is no assurance that he will even deign to appear before State Supreme Court Justice Matthew Levy in New York today for sentencing, following his jury conviction of criminal contempt.

In any case, no matter what punishment Justice Levy metes out, Powell's resourceful lawyers will no doubt find some further legal pretext to keep him out of jail for another spell. Judge Levy will, indeed, be lucky if he is not accused of racial bias, as have all others exposed to Powell's defiance.

Over the years, Powell has found this charge to be a deadly weapon and, as a famous Negro leader, he has not hesitated to wield it harshly and recklessly whenever it suited his purposes —generally to divert attention from his personal conduct.

Whatever the dereliction, Powell's stock defense has always been the same: he is the victim of racial persecution; all of his critics are unmitigated white racists out to get him because of his color. In short, any personal questioning of him is simply an attack on civil rights.

That has been his answer to charges of tax evasion, trial and conviction of libel, political double-crosses, charges of high-life junketing abroad at government expense, and abuse of his powers as chairman of the powerful House Education and Labor Committee.

* * *

By this time, however, almost everybody is in on the act, and hence it is properly discounted; but it is disturbing to find more responsible Negro leaders also stooping to this kind of racial demagoguery in replying to Powell's defense when members of his Congressional committee revolted against his high-handed rule.

The committee vote against Powell was 27 to 1, including a number of liberals. Nevertheless, the Harlem Democrat blamed all on Rep. Sam Gibbons (D-Fla.), whom he branded as a racist in league with other "anti-Negro senators."

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The truth is that Gibbons is one of the few Southerners who had the courage to vote for the civil rights bill this year, he also worked hard for the anti-poverty bill, while Powell himself couldn't even bother to be present for the voting on either bill.

Gibbons said Powell had "contributed to worsening race relations by his capricious and sometimes planned action to delay the poverty program." He also charged him with excessive absenteeism and arbitrarily firing committee staff members.

Despite this, a number of respected Negro leaders echoed Powell's racism counter-attacks. Whitney Young Jr., director of the Urban League, said that unless similar action was taken against "other chairmen who have abused the privileges of office," then the vote against Powell "will be interpreted by many citizens, white and Negro, as a move which is racially inspired."

This line was also taken by Roy Wilkins, head of the National Assn. for the Advancement of Colored People, and Percy Sutton, Borough President of Manhattan Floyd McKissick, director of the Congress of Racial Equality, did not qualify his criticism. He simply said it "indicated a climate of racism that still exists in the U.S."

* * *

All of these leaders know Powell's record, which is that of an able, intelligent, handsome man, who has often been an eloquent spokesman for his people, but who has not hesitated to sabotage their interests when they conflicted with his own.

The events of recent years, for instance, have dramatically shown that the Negro community has a vital stake in who is President. Under Johnson and Kennedy civil rights have made unprecedented progress; under Eisenhower the record was indifferent; but Powell worked hard to reelect the General just the same.

In the 1956 campaign, Eisenhower made it plain that he did not approve of the Supreme Court decision on segregation, whereas Adlai Stevenson, the candidate of Powell's own party, not only backed the ruling but led the convention fight for a strong civil rights plank.

Nevertheless, Powell double-crossed his own people by bolting his party to back Eisenhower. It later turned out that Powell had a few pressing personal problems with the U.S. government. He does not deserve the support of men like Wilkins and Young, who have devoted their lives to the cause of civil rights.

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Where Powell Lives: U.S. Court to Decide

Adam Clayton Powell, who rarely spends a night in New York and never on weekdays, faces a new challenge as to whether he is a bone fide resident of the state and eligible to serve it in Congress.

Federal Judge Croake has set Tuesday for a hearing on the residency charge made by Lassen L. Walsh, the Republican candidate for Congress decisively defeated by Powell Nov. 8.

Lassen contends Powell has not spent a night in New York in about a year and a half. His legal residence here is a $66-a-month flat at 120 W. 138th St., which he shares with Mr. and Mrs. Odell Clark.

Slept on Couch

Clark, an $18,000-a-year chief investigator for Powell's House Education and Labor Committee, has testified that he pays $16 of the monthly rent and Powell the other $50. He recalled that Powell spent a night in the flat about 18 months ago, sleeping on a living-room couch.

Lassen's attorney in the suit is Raymond Rubin, who is counsel for Mrs. Esther James, the Harlem widow to whom Powell owes $164,000 defamation judgment. An arrest order for the Congressman, growing out of this case, was signed by Supreme Court Justice Levy this week, but Powell can evade service by staying out of the state.

The Board of Elections informed Justice Croake it would not certify Powell as winner of the recent election until the residency issue is resolved.

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The Law and Adam Powell

In his relations with the law, Rep. Adam Clayton Powell has long relied on the strategy of reverse racism. His assumption—supported at the polls—is that his constituents view his ability to evade punishment for offenses clearly established through due process as proof of his ability to beat the white man at his own game.

There is, of course, a half-truth on his side. Too many white politicos get away with varied forms of corruption because they know how to achieve immunity; justice is not color-blind—in the courts or Congress.

But is a skillful capacity for flouting the law the glory Adam Powell seeks on earth? He is a man of vast talent and intelligence; now he emerges as a man who is adroitly eluding payment of the libel damages he owes to an elderly woman, who happens to be a Negro, by fleeing the jurisdiction of the courts.

It is not a gallant spectacle.

POWELL

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Powell Makes Plea To Appeals Court To Ban Jail Term

The lawyer for Representative Adam Clayton Powell argued yesterday before the Court of Appeals, the state's highest court, for a reversal of one of four jail sentences pending against the Manhattan Democrat for contempt of court.

All of the sentences, which Mr. Powell has avoided by staying out of the state, pertain to violations of court orders to pay a $164,000 judgment to a Harlem widow, who sued him for defamation of character by saying on television that she collected bribes for corrupt police.

The seven judges of the court, which sits in Albany, reserved decision on an appeal by Henry R. Williams, Mr. Powell's lawyer, to reverse a 4-1 ruling of the Appellate Division sentencing the Representative to 30 days in jail for defying a subpoena.

The three other jail sentences, which total maximum terms of a year and 30 days, relate to other subpoenas and court orders that were ignored by Mr. Powell since a jury found him guilty of defamation in April, 1962.

On Nov. 1, Mr. Williams signed a stipulation on behalf of Mr. Powell that the Representative would surrender for the 30-day jail sentence if the Court of Appeals upheld the sentence. One of the other jail sentences pertains to a similar pledge Mr. Powell had made, but refused to honor.

In Federal Court here today, a hearing will be held on a charge by Lawson Walsh, Mr. Powell's defeated Republican opponent in the last election, that the Representative was not a New York inhabitant and was not eligible to hold office.

Also this morning, the Appellate Division will consider an attempt by Mr. Powell to block enactment of the jail sentences.

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Judge Rejects Suit To Unseat Powell; Issue Left to House

By ROBERT E. TOMASSON

Federal Court Judge Dudley B. Bonsal dismissed yesterday a suit that challenged Representative Adam Clayton Powell's right to hold office. The suit argued that Representative Powell was not an inhabitant of New York, as required by the Federal Constitution.

"I think," Judge Bonsal said from the bench, "that it would be an invasion of the court to intrude into an area that seems to belong expressly to the Congress itself."

"Congress, not the courts, seems to have the sole authority to decide what the qualifications of its members should be," he said.

During the court argument, which lasted more than an hour, Judge Bonsal expressed increasing doubt on the validity of the charge that Mr. Powell was not an inhabitant of the state.

The charge was made by Thomas J. Walsh in a Federal suit against the Board of Elections. Mr. Walsh, a Republican, was overwhelmingly defeated in the Nov. 8 election by Mr. Powell, who has held the 18th

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District House seat for 22 years.

Mr. Walsh's case was argued by Raymond Rubin, a lawyer who has been trying to collect a $164,000 judgment Mr. Powell owes to another of his clients, Mrs. Esther James. The judgment stems from a State Supreme Court jury verdict in April 1963, in which Mr. Powell was found guilty of defaming Mrs. James when he called her a "bag woman," or go-between, for corrupt police and gamblers.

Mr. Walsh has been hospitalized since Oct. 5 with a heart condition and has no connection with the defamation case. Mr. Rubin has made efforts, in eight different state and Federal courts on behalf of Mrs. James, both to collect the $164,000 and to jail Mr. Powell for defying court orders.

Mr. Rubin argued yesterday in the Federal suit brought by Mr. Walsh that, because Mr. Powell was not an inhabitant of New York, the court should enjoin the Board of Elections from certifying him as the winner of the election.

No Quarrel With Argument

Mainly, the lawyer based his contention on Article I, Section 3 of the Constitution, which states that "no person shall be a Representative who shall not . . . when elected, be an inhabitant of that State in which he shall be chosen."

Judge Bonsal had no quarrel with this argument.

However, he repeatedly queried Mr. Rubin on Section 5 of Article I. This states that each house shall be the judge of the elections, returns, and qualifications of its own members.

Mr. Rubin was escorted to and from the fifth-floor courtroom in the Federal Court House in Foley Square by two city detectives after the lawyer said he had received telephoned death threats.

Mr. Rubin was to have been assisted in the case by Norman C. Marlowe, who ran unsuccessfully against Representative William F. Ryan in the 20th District.

However, Mr. Marlowe, who is also a lawyer, has told Mr. Walsh and Mr. Rubin that he received "an unpleasant telephone call from one Stuart Pace at my home on Nov. 18."

"Under the circumstances," Mr. Marlowe wrote to his client and to his co-counsel, "I have no interest in engaging in litigation that may endanger the health and safety of my family."

"Stuart Pace" was not further identified. The police are investigating.

Civil Rights Lawyer

Although Mr. Walsh's suit was directed against the Board of Elections, William M. Kunstler, a lawyer who has been active in civil rights cases, appeared on behalf of Mr. Powell.

After Mr. Rubin said that he had no objection to Mr. Kunstler's appearance, Judge Bonsal granted a motion adding Mr. Powell as a defendant in the case, and thus giving him the right of legal representation.

Mr. Kunstler, who argued against the motion to block the Board from certifying Mr. Powell, was assisted in papers submitted to the court by Albert M. Aspinal.

They became the 14th and 15th lawyers Mr. Powell has retained to fight efforts brought by Mr. Rubin on behalf of Mrs. James and Mr. Walsh.

Mr. Rubin is the only lawyer who has appeared on behalf of Mrs. James since she filed her complaint more than six years ago.

Mr. Powell still faces four jail sentences, totaling a year and 30 days, for contempt of the state courts for violating court orders and subpoenas to answer the $164,000 judgment he owes Mrs. James.

The Representative has been ordered to surrender at 10 A.M. today in State Supreme Court to start serving one of the jail sentences, which is for 30 days.

But it was considered certain that he would not appear, since he would be jailed for a maximum term of a year and 30 days in addition to the 30-day sentence.

Henry R. Williams, another lawyer for Mr. Powell, petitioned the Appellate Division yesterday to bar the court from enforcing the sentence that Mr. Powell was ordered to start serving today. However, the court took no action.

Mr. Powell has succeeded in avoiding all four jail sentences by keeping out of the state. The state courts have virtually exhausted all their powers in helping Mrs. James to collect the judgment.

According to legal observers, the last chance Mrs. James has of either collecting her judgment or compelling Mr. Powell to submit to an examination of his assets lies with District Attorney Frank S. Hogan.

It is known that Mr. Hogan's office has been considering whether to lodge criminal charges of contempt of court against Mr. Powell. The previous decisions against Mr. Powell for contempt were all of a civil nature and thus valid only within the state.

However, if Mr. Powell should be brought to trial on criminal charges, the [illegible] would be empaneled from [illegible] state, [illegible]

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Mr. Walsh's case was argued by Raymond Rubin, a lawyer who has been trying to collect a $184,000 judgment Mr. Powell owes to another of his clients, Mrs. Esther James. The judgment stems from a State Supreme Court jury verdict in April 1963, in which Mr. Powell was found guilty of defaming Mrs. James when he called her a "bag woman," or go-between, for corrupt police and gamblers.

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However, if Mr. Hogan decides that Mr. Powell should be brought to trial on criminal charges, the Representative could be extradited from any state.

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